

**PB#90-14**

**LOUIS KORNGOLD  
NEVER MATERIALIZED**

**SBL 69-2-2 & 12**

KORNGOLD, LOUIS M.D. PROPERTY #90-14  
RT. 300 (GREVAS) RETAIL STORES SITE PL.

Never Materialized  
Reapplied under P.B. file # 94-9  
M.C. + B Partnership

**General Receipt**

**TOWN OF NEW WINDSOR**  
555 Union Avenue  
New Windsor, N. Y. 12550

11281

Received of Professional Plans of Rockland County, Inc. March 30 19 90  
Twenty-five and 00/100 \$ 25.00  
DOLLARS

For Planning Board Application Fee #90-14

DISTRIBUTION

FUND	CODE	AMOUNT
<u>CP# 1113</u>		<u>25.00</u>

By Pauline G. Townsend  
Town Clerk  
Title

Williamson Law Book Co., Rochester, N. Y. 14609

**General Receipt**

**TOWN OF NEW WINDSOR**  
555 Union Avenue  
New Windsor, N. Y. 12550

11280

Received of Pauline G. Townsend, Town Clerk March 30 19 90  
Seven Hundred Fifty and 00/100 \$ 750.00  
DOLLARS

For Planning Board Application Fee - Professional Plans of Rockland County - Louis Kornegold  
#90-14

DISTRIBUTION

FUND	CODE	AMOUNT
<u>CP# 1112</u>		<u>750.00</u>

By Capitally  
Title

Williamson Law Book Co., Rochester, N. Y. 14609

Planning Board  
Town Hall  
555 Union Ave.  
New Windsor, N.Y. 12553

NO. 90-14  
September 21, 1994

RECEIVED FROM New City Plastic Surgery Center, P.C.  
(DR. LOUIS KORNEGOLD)

Eight Hundred Thirty-Eight 50/100 — DOLLARS

Additional Outside Professional fees over Escrow Payment

Account Total \$ 838.50

Amount Paid \$ 838.50

Balance Due \$ -0-

Theresa Mason, Secy to the P.B.

"THE EFFICIENTURE" AN AMERIM PRODUCT

County File No... **NWT 6 91 M**...

**COUNTY PLANNING REFERRAL**

(Mandatory County Planning Review under Article 12-B,  
Section 239, Paragraphs 1, m & n, of the  
General Municipal Law)

Application of ... **Louis Korngold** .....  
for a ... **Site Plan Review - Within 500' of NYS Rte. 300** .....  
County Action: **Local Determination** .....

**LOCAL MUNICIPAL ACTION**

The Above-cited application was:

Denied ..... Approved .....

Approved subject to County recommendations

.....  
(Date of Local Action)

.....  
(Signature of Local Official)

This card must be returned to the Orange County Department of Planning  
within 7 days of local action.





America the Beautiful USA 15

**ORANGE COUNTY DEPARTMENT OF PLANNING  
AND DEVELOPMENT**

**124 Main Street**

**Goshen, N.Y. 10924**

New York City:  
*Manhattan Skyline*

90-14

STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
112 DICKSON STREET  
NEWBURGH, NY 12550

Albert J. Bauman  
Regional Director

Franklin E. White  
Commissioner

Planning & Zoning Board  
Town of New Windsor  
55 Union Ave.  
New Windsor, N.Y. 12553

RE: *Korn Cold*

Dear *Chairman*,

We have reviewed this matter and please find our comments checked below:

☒ A Highway Work Permit will be required. To: Planning Boards and Building Departments. Please have owner of property obtain Highway Work Permits before signing of plans or issue of Building Permits. *for rts 32*

☒ No Objection

☐ Need additional information ☐ Traffic Study  
☐ Drainage Study

☐ To be reviewed by Regional Office

☐ Does not affect N.Y. State Dept. of Transportation

ADDITIONAL COMMENTS:

*Refer to D.O.T. markings on Plan*

Very truly yours,

*Don Greene*  
Donald Greene  
C.E. I Permits  
Orange County

DG:pe

✓  
CC: M.E.

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/21/94

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 90-14

NAME: KORNGOLD, LOUIS

APPLICANT: KORNGOLD, LOUIS, MD

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
03/23/90	SITE PLAN MINIMUM	PAID		750.00	
12/17/91	P.B. ATTORNEY FEES	CHG	430.00		
08/12/92	P.B. MINUTES	CHG	36.00		
09/23/92	P.B. ATTY. FEES	CHG	35.00		
09/23/92	P.B. MINUTES	CHG	72.00		
03/04/93	P.B. ATTY.	CHG	30.00		
06/24/94	P.B. ENGINEER FEE	CHG	985.50		
09/21/94	REC. CK#3437	PAID		838.50	
		TOTAL:	1588.50	1588.50	0.00

P.B. #90-14 Addition to Escrow

3437

NEW CITY PLASTIC SURGERY CENTER, P.C.

125 S. MAIN ST.  
NEW CITY, NY 10956

634-4554

50-597/219

PAY TO THE ORDER OF Town of New Windsor Sept. 20 19 94 \$ 838.50  
Eight Hundred Thirty Eight and 50/100 DOLLARS  
FOR payment of planning board fees Eric Kung  
USB UNION STATE BANK  
115 SOUTH MAIN STREET  
NEW CITY, N.Y. 10956  
⑈003437⑈ ⑆021905977⑆ 451232231⑈

Planning Board  
Town Hall  
555 Union Ave.  
New Windsor, N.Y. 12553

NO. 90-14

September 21, 1994

RECEIVED FROM New City Plastic Surgery Center, P.C.  
(DR. LOUIS ROYCE, D.D.)

Eight Hundred Thirty-Eight 50/100 DOLLARS

Additional Outside Professional fees over Escrow Payment

Account Total \$ 838.50

Amount Paid \$ 838.50

Balance Due \$ -0-

Nancy Mason, Secy to the P.B.

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 08/17/94

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 90-14

NAME: KORNGOLD, LOUIS

APPLICANT: KORNGOLD, LOUIS, MD

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
03/23/90	SITE PLAN MINIMUM	PAID		750.00	
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09/23/92	P.B. MINUTES	CHG	72.00		
03/04/93	P.B. ATTY.	CHG	30.00		
06/24/94	P.B. ENGINEER FEE	CHG	985.50		
		TOTAL:	1588.50	750.00	838.50

*Please make check payable  
to: The Town of New Windsor*

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/21/94

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
D [Disap, Appr]

FOR PROJECT NUMBER: 90-14

NAME: KORNGOLD, LOUIS

APPLICANT: KORNGOLD, LOUIS, MD

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
08/10/94	P.B. DISCUSSION	FILE TO BE CLOSED
09/21/93	NEVER MATERIALIZED	CLOSED FILE
12/15/92	WORK SESSION APPEARANCE	DISCUSSION
09/23/92	P.B. APPEARANCE . REMOVE OLD BLDG. PARTIAL/NEED BUILDERS AGREEMENT	CASH BOND REQUIRED
08/12/92	P.B. APPEARANCE (DISCUSSION)	TO RETURN
08/04/92	WORK SESSION APPEARANCE	ON AGENDA:DISCUSSION
02/13/92	WORK SESSION APPEARANCE	TO RETURN TO W.S.
02/13/91	P.B. APPEARANCE	NG.DEC-SENT TO OCPD
10/24/90	P.B. APPEARANCE	CLOSE P.H.-RETURN
09/12/90	P.B. APPEARANCE	LA: SET FOR P.H.
06/13/90	P.B. APPEARANCE	NEW PLANS - RETURN
04/11/90	P.B. APPEARANCE	REFERRED TO Z.B.A.



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

September 2, 1994

Dr. Louis Korngold  
125 South Main Street  
New City, NY 10956

SUBJECT: STATUS OF P.B. APPLICATION #90-14  
TAX MAP #69-2-2 & 12  
VAILS GATE LOCATION

Dear Dr. Korngold:

With respect to your request of July 5, 1994 to keep your prior site plan application open, the Planning Board, at its August 10, 1994 regular meeting, has reviewed your request and its file and has decided to deny your request.

In reviewing the file, it appears that some fees are still owed on this application. Before any approvals are given for any application for this property (including the present one by M.C. & B Partnership), those fees must be paid.

Please contact our office at (914) 563-4615, Monday through Friday, 8:30 - 4:30 to arrange payment of the outstanding fees.

Very truly yours,

James R. Petro, Jr.   
James R. Petro, Jr.,  
Chairman

cc: ~~File~~ #90-14  
Mark Edsall, P.E. - P.B. Engineer  
Andrew Krieger, P.B. Attorney  
Greg Shaw, P.E. - Shaw Engineering (M.C.&B Part.)

PLASTIC & RECONSTRUCTIVE SURGERY  
COSMETIC SURGERY  
MICROVASCULAR SURGERY  
SURGERY OF THE HAND

*Louis Korngold*, M.D., F.A.C.S.  
DIPLOMATE AMERICAN BOARD OF PLASTIC SURGERY  
CENTER FOR AMBULATORY PLASTIC SURGERY  
125 SOUTH MAIN STREET  
NEW CITY, NEW YORK 10956

(914) 634-4554 FAX (914) 639-1959

July 5, 1994

*to close Appl + fees be paid*

*(M) V*

*(S) D*

*4 copies  
0 nap*

*Send letter to Mr. Korngold*

Ms. Myra L. Mason  
Secretary to the Planning Board  
Town of New Windsor  
555 Union Avenue  
New Windsor, New York 12553

Re: Status of Planning Board Application No. 90-14,  
Tax Map 69-2-2 and 12, Vails Gate Location

Dear Ms. Mason:

In answer to your letter of June 27, 1994, I wish to inform you of the present status for the plans of my Vails Gate property at the Five Corners.

I am still negotiating with MC&B, and there still remain several issues to be resolved, such as evacuating the remaining tenants from the present building. In the event my negotiations with MC&B should fall through, I would respectfully request that my original application be kept open so that I may proceed with construction along those lines.

If you require any other information, please do not hesitate to call my office.

Sincerely yours,

*Louis Korngold M.D.*

LOUIS KORNGOLD, M.D., F.A.C.S.

LK:rs



ANDREW S. KRIEGER  
ATTORNEY AT LAW  
219 QUASSAICK AVENUE  
SQUIRE SHOPPING CENTER, SUITE 3  
NEW WINDSOR, NEW YORK 12553  
(914) 562-2333

August 2, 1994

Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, New York 12553

Attn: Myra Mason

Re: Korngold and MC&B Site Plan, 94-9

Dear Myra:

With respect to the request of Dr. Korngold that his site plan application be kept open, after consultation and research I see no reason why it cannot be kept in an "open" status as he had requested provided he pays the fees. This application cannot be kept in an "open" status indefinitely however.

With respect to this site plan, I have been advised that there is a pending Supreme Court action between Dr. Korngold and one of his tenants the Red House Chinese Restaurant. It is the claim of the Chinese Restaurant that they have "in effect" a ten year lease on this premises. This may have serious effect upon the Planning Board's deliberations and the speed with which they could expect that the existing building on the premises will be taken down. It is my suggestion that the next time that MC&B appears before the Planning Board specific inquiry be made into this situation. I believe that Dr. Korngold is represented in this action by Duggan, Crotty & Dunn, P.C. Perhaps a representative of that firm as well as the attorney for the Red House Chinese Restaurant should further explain the status of this matter.

Thank you.

Very truly yours,

  
ANDREW S. KRIEGER

ASK:mtt

KORNGOLD

MR. PETRO: We have a letter from Korngold that you wanted to speak about.

MR. KRIEGER: Dr. Korngold asked that his site plan be held in an open status.

MR. PETRO: This is not the site plan we looked at tonight.

MR. KRIEGER: No, but if you remember, he had a site plan that he had proposed, it was in the beginning stages and then that site plan disappeared or stopped being discussed and in comes M.C & B. and discussed their site plan. So the one that Dr. Korngold had was in limbo.

MR. VAN LEEUWEN: How can we have two applications on the same property and keep them both open?

MR. KRIEGER: You can't have two approvals on the same property. Since it's basically, it doesn't make any difference because you, if you tell him--

MR. VAN LEEUWEN: I can end the conversation very shortly, Mr. Attorney, I'll not vote to keep Mr. Korngold's application open and I'll tell you why. He's never complied with any of our wishes so why in the hell should I sit here and comply with one of his?

MR. KRIEGER: Because the one thing that I would want to point out if you close that application now, my understanding is he's paid no fees in connection with that application. So he could simply if M.C & B.'s application fails, he could simply bring it again. If he pays fees with the pending application and it is superseded by M.C & B., in order for him to bring a new application, you have to pay a new set of fees.

MR. VAN LEEUWEN: I make a motion to close that application.

MR. PETRO: I was going to ask what were you trying to say?

MR. VAN LEEUWEN: You heard what I said.

MR. EDSALL: I have run into this not only in this town but other towns. I'll tell you why there's a link between the two. You have a new application but they have taken benefit from the reviews and the information from the previous application so one could take the attitude that the money he owes on the original application has nothing to do with M.C & B., that is not true. The information and the reviews that we had for Korngold were used as a basis for this application to move forward. So the money that is owed to the Town of New Windsor is owed in my mind for M.C & B. as well as Korngold because what I am saying they took advantage of the information, the reviews, all the documentation that was utilized for Korngold in preparing M.C & B. so as far as I'm concerned, if you leave it open, you close it, whatever, I think the money that is due should be paid to the town because they took advantage of the information and in fact my reviews, I didn't review certain aspects because we had already looked into it as part of Korngold, same property, same basic layout for certain elements.

MR. VAN LEEUWEN: Couple of minor changes. My motion was to close the original application. The money owed is to be put, must be paid by M.C & B. which is still owed.

MR. EDSALL: Prior to being able to take any action on M.C & B.

MR. PETRO: Do you want M.C & B., motion has been made.

MR. DUBALDI: Second it.

MR. PETRO: Motion has been made and seconded. Any further discussion? You want M.C. & B. to pay the fees?

MR. BABCOCK: Hank said that.

MR. PETRO: Henry is suggesting that M.C & B. pay the fees that is outstanding on the Korngold application.

MR. BABCOCK: We're suggesting that the fees be paid.

MR. EDSALL: I'm just letting the board know that M.C & B. is benefiting from certain elements of Korngold application.

MR. PETRO: Bottom line is until the fees are paid, the board will take no action.

MR. EDSALL: Any approval motion for M.C & B. should be conditioned on those Korngold fees being resolved, if they aren't paid by that time.

MR. VAN LEEUWEN: I suggest this, okay, that we send Mr. Korngold a letter, tell him the application is closed. He owes X number of dollars of fees and we want it paid up, otherwise there will be no approvals.

MR. PETRO: Because Korngold still owns the property so you are not going to give any--

MR. KRIEGER: If you don't approve M.C & B. they go away.

MR. PETRO: Motion has been made and seconded that the letter be sent to Mr. Korngold requesting that he pay up the fees as owed to the Town of New Windsor before any approvals are given on any application on that property and his original application is out the window. Period. Any further discussion? Roll call.

ROLL CALL

MR. DUBALDI	AYE
MR. VAN LEEUWEN	AYE
MR. LANDER	AYE
MR. PETRO	AYE



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

June 27, 1994

Dr. Louis Korngold  
125 South Main Street  
New City, NY 10956

SUBJECT: STATUS OF PLANNING BOARD APPLICATION #90-14  
TAX MAP #69-2-2 & 12  
VAILS GATE LOCATION

Dear Dr. Korngold:

As per our conversation of this date, please submit to the New Windsor Planning Board, in writing, your intention to keep your original application open, in light of the fact that M. C. & B. has also applied for site plan approval of the same location.

I will discuss your letter with the Board and inform you of their decision.

Thank you for your prompt attention to this matter and if you should have any questions, please contact the undersigned.

Very truly yours,

Myra L. Mason  
Myra L. Mason,  
Secretary to the Planning Board

mlm



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

- ☐ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ **Branch Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

**24 June 1994**

**MEMORANDUM**

**TO: Myra Mason, Planning Board Secretary**  
**FROM: Mark J. Edsall, P.E., Planning Board Engineer**  
**SUBJECT: KORNGOLD SITE PLAN APPLICATION**  
**NEW WINDSOR PLANNING BOARD NO. 90-14**

Attached hereto, please find a printout of the engineering review fees for the subject application. It is my understanding that this application is now inactive and the application effectively withdrawn, since a new application has been received from M C and B as planning board application No. 94-9.

Please let me know if you require any additional information regarding the above.

Respectfully submitted,



Mark J. Edsall, P.E.  
Planning Board Engineer

MJesh  
Encl.as  
a:congold.sh

AS OF: 06/22/94

PAGE: 1

## HISTORICAL CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 90- 14

									-----DOLLARS-----		
TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE
90-14	59187	02/06/90	TIME	MJE	MC KORNGOLD	60.00	0.50	30.00			
90-14	59276	04/09/90	TIME	MJE	MC KORNGOLD	60.00	0.50	30.00			
90-14	59277	04/10/90	TIME	MJE	MC KORNGOLD	60.00	0.50	30.00			
90-14	59280	04/10/90	TIME	MCK	CL KORNGOLD/MEMO	25.00	0.50	12.50			
90-14	59281	04/10/90	TIME	MCK	CL KORNGOLD/REV COMM	25.00	0.50	12.50			
90-14	59265	04/11/90	TIME	MJE	BM DISAPP TO ZBA	0.00	0.10	0.00			
									-----		
									115.00		
90-14	59304	05/03/90			BILL INV 90-217					-115.00	
											-----
											-115.00
90-14	59360	06/09/90	TIME	MJE	MC KORNGOLD	60.00	0.70	42.00			
90-14	59367	06/11/90	TIME	MCK	CL KORNGOLD	25.00	0.50	12.50			
90-14	59368	06/11/90	TIME	MJE	MC KORNGOLD	60.00	0.20	12.00			
90-14	59366	06/13/90	TIME	KJM	MM KORNGOLD. LOUIS	60.00	0.50	30.00			
90-14	59437	08/14/90	TIME	MJE	MC KORNGOLD	60.00	0.40	24.00			
									-----		
									235.50		
90-14	59416	08/06/90			BILL INV 90-297					-96.50	
											-----
											-211.50
90-14	59465	09/04/90	TIME	MJE	MC KORNGOLD	60.00	0.30	18.00			
90-14	59468	09/08/90	TIME	MJE	MC KORNGOLD	60.00	0.50	30.00			
90-14	59486	09/10/90	TIME	MCK	CL REV COM:KORNGOLD S/P	25.00	1.00	25.00			
90-14	59477	09/11/90	TIME	MJE	MC KORNGOLD S/P	60.00	0.20	12.00			
90-14	59478	09/12/90	TIME	MJE	MM KORNGOLD S/P	60.00	0.50	30.00			
90-14	59539	10/22/90	TIME	MJE	MC KORNGOLD	60.00	0.40	24.00			
90-14	59543	10/23/90	TIME	MJE	MC KORNGOLD	60.00	0.10	6.00			
90-14	59549	10/23/90	TIME	MCK	CL REV COM:KORNGOLD S/P	25.00	1.00	25.00			
90-14	59560	11/09/90	TIME	MJE	MC KORNGOLD	60.00	0.50	30.00			
90-14	59568	11/20/90	TIME	MJE	MC KORNGOLD	60.00	0.50	30.00			
									-----		
									465.50		
90-14	59559	11/05/90			BILL 90-390					-194.00	
											-----
											-405.50
90-14	59642	01/09/91	TIME	MJE	MC KORNGOLD	65.00	0.50	32.50			
90-14	59653	01/16/91	TIME	MJE	MC KORNGOLD	65.00	0.50	32.50			
90-14	59703	02/07/91	TIME	MJE	MC KORNGOLD S/P	65.00	0.30	19.50			
90-14	59706	02/09/91	TIME	MJE	MC KORNGOLD S/P	65.00	0.60	39.00			
90-14	59737	02/11/91	TIME	MJE	MC KORNGOLD	65.00	0.10	6.50			
90-14	59746	02/11/91	TIME	MCK	CL KORNGOLD/REV COMMS	25.00	1.00	25.00			
90-14	59738	02/13/91	TIME	MJE	MC KORNGOLD	65.00	0.40	26.00			

AS OF: 06/22/94

PAGE: 2

## HISTORICAL CHRONOLOGICAL JOB STATUS REPORT

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CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 90- 14

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	-----DOLLARS-----		
										EXP.	BILLED	BALANCE
90-14	59741	02/14/91	TIME	MJE	MC	KORNGOLD	65.00	0.50	32.50			
									679.00			
90-14	59722	02/12/91				BILL INV 91-173						-183.50
												-589.00
90-14	59993	04/17/91	TIME	MJE	MC	KORNGOLD CALLS	65.00	0.20	13.00			
90-14	59996	04/18/91	TIME	MJE	MC	KORNGOLD CALLS	65.00	0.30	19.50			
									711.50			
90-14	60044	05/08/91				BILL inv 91-282						-122.50
												-711.50
90-14	61723	01/07/92	TIME	MCK	CL	KORNGOLD - LTR	25.00	0.50	12.50			
90-14	61801	01/07/92	TIME	MJE	MC	KORNGOLD	65.00	0.50	32.50			
90-14	61962	01/30/92	TIME	MJE	MC	KORNGOLD	65.00	0.40	26.00			
90-14	62148	02/13/92	TIME	MJE	MC	KORNGOLD W/S	65.00	0.50	32.50			
90-14	62149	02/14/92	TIME	MJE	MC	KORNGOLD-WDH	65.00	0.30	19.50			
90-14	62382	03/02/92	TIME	MJE	MC	KORNGOLD	65.00	0.40	26.00			
90-14	62384	03/04/92	TIME	MJE	MC	KORNGOLD	65.00	0.40	26.00			
90-14	62852	04/24/92	TIME	MJE	MC	KORNGOLD DISC WTR	65.00	0.20	13.00			
									899.50			
90-14	62644	04/20/92				BILL MHE INV 92-266 od						-175.00
												-886.50
90-14	64029	08/04/92	TIME	MJE	MC	KORNGOLD	65.00	0.50	32.50			
90-14	66258	12/15/92	TIME	MJE	MC	KORNGOLD W/S	65.00	0.50	32.50			
90-14	66640	01/04/93	TIME	MJE	PM	KORNGOLD	70.00	0.30	21.00			
									985.50			
90-14	66499	01/06/93				BILL 93-101 PD						-78.00
90-14	70516	01/18/94				BILL 94-117						-21.00
												-985.50
									=====	=====	=====	=====
						TASK TOTAL			985.50	0.00	-985.50	0.00
									=====	=====	=====	=====
						GRAND TOTAL			985.50	0.00	-985.50	0.00



## TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12550TO Frances Roth 389 Morris Hill Rd DR.  
New Windsor, NY 12553

DATE			CLAIMED	ALLOWED
9/23/92	Planning Board Meeting	✓	75 00	
	Misc - 2 - <del>Don</del>	✓	9 00	
	Walters - 1	✓	4 50	
92-27	NW. Golf Club - 8	✓	36 00	
92-32	Kelly - 9	✓	40 50	
92-35	Suburban - 4	✓	18 00	
90-31	C&R - 3	✓	13 50	
	Mt Airy - 2	✓	9 00	
90-14	Heringsfield - 16	✓	72 00	
		✓	277 50	

*Frances Roth*  
*9/30/92*

ANDREW S. KRIEGER  
ATTORNEY AT LAW  
219 QUASSAICK AVENUE  
SQUIRE SHOPPING CENTER, SUITE 3  
NEW WINDSOR, NEW YORK 12553  
  
(914) 562-2333

Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, New York 12553

March 4, 1993

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FOR PROFESSIONAL SERVICES RENDERED

Re: Louis Korngold 90-14

9-23 revise developer's agreement, send to  
Planning Board and P. Crotty

Time .3 x \$100.00

\$30.00



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

☐ Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640  
☐ Branch Office  
400 Broad Street  
Millford, Pennsylvania 18337  
(717) 296-2765

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B # 90-14  
WORK SESSION DATE: 15 Dec '92 APPLICANT RESUB.  
REQUIRED:  
REAPPEARANCE AT W/S REQUESTED: \_\_\_\_\_  
PROJECT NAME: Korngold  
PROJECT STATUS: NEW \_\_\_\_\_ OLD X  
REPRESENTATIVE PRESENT: WBH  
MUNIC REPS PRESENT: BLDG INSP. X  
FIRE INSP. X  
ENGINEER X  
PLANNER \_\_\_\_\_  
P/B CHMN. \_\_\_\_\_  
OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- \* They need to decide if they want one or all phases approved
- \* all old comments to be addressed
- \* possible mtg between VWP
- \* add parking lot to phase two
- \* VWP need agreement (w/ul to tell Phil Cully)

ANDREW S. KRIEGER  
ATTORNEY AT LAW  
219 QUASSAICK AVENUE  
SQUIRE SHOPPING CENTER, SUITE 3  
NEW WINDSOR, NEW YORK 12553  
(914) 562-2333

September 25, 1992

Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, New York 12553

Attn: Myra Mason, Secretary

Re: Korngold 90-14

Dear Myra:

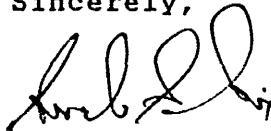
Enclosed are five (5) copies of a draft developer's agreement in the above referenced matter. I believe this draft reflects the wishes of the Planning Board as expressed in the discussion held on September 23, 1992. This draft also incorporates the changes requested by Mr. Crotty in our prior meeting.

This is only a draft for discussion purposes. It is based on the assumption that the Planning Board will approve development of this project in phases. To date, it has not approved such development and this draft at this point is for discussion purposes only.

Please place a copy of this draft in the materials given to each Planning Board Member at the next Planning Board meeting. Please also keep a copy of this draft in the Planning Board's official file.

Thank you.

Sincerely,



ANDREW S. KRIEGER

ASK;mmt  
Encls.

DRAFT; FOR DISUCSSION ONLY

AGREEMENT

THIS AGREEMENT, made this            day of            , 1992, by and between LOUIS KORNGOLD, an individual, residing at 135 Strawtown Road, in the Town of West Nyack, County of Rockland, State of New York (hereinafter known as OWNER) and the Town of New Windsor, a Municipal Corporation of the State of New York, by its Planning Board (hereinafter known as BOARD).

WITNESSETH

WHEREAS, OWNER has applied to the BOARD for approval of a Site Plan for development of lands on the East side of Temple Hill Road approximately 250 feet North of the intersection of Routes 32, 94 and 300 which property is described on the Tax Map of the Town of New Windsor as Section 69, Block 2, Lots 2 and 12, and

WHEREAS, the approval of said Site Plan by the Board is conditional upon and subject to the accuracy of representations made by OWNER to the BOARD, the fulfillment of promises made by OWNER to the BOARD, and by ones made herein by the Town of New Windsor to OWNER and the performance by OWNER of certain obligations placed upon him as set forth in this Agreement, and

WHEREAS, it is intended by the parties hereto and by this Agreement its provisions are hereby made and become a title encumbrance which shall bind the OWNER, his heirs, successors and assigns, and shall run with the land described herein, and

WHEREAS, the parties hereto wish to memorialize the promises and representations of OWNER made in consideration of granting approval of the aforesaid Site Plan.

NOW THEREFORE, in consideration of the promises and mutual covenants herein contained, the parties hereto for themselves, their heirs, successors and assigns do mutually agree as follows:

1. OWNER and the BOARD, for themselves, their successors and assigns, agree to use the premises only in accordance existing uses and approved Site Plan including such phase construction schedule as may be approved by the Planning Board, unless any of the same may be modified by the Planning Board of the Town of New Windsor and in accordance with the Zoning Ordinance of the Town of New Windsor and all other applicable statutes, laws, rules and regulations.

2. OWNER and BOARD agree to construct the improvements including, but not limited to, buildings, water lines, sewer lines, storm drainage, curbing, paving, driveways, lighting, lamp posts and luminaries, signs, landscaping and buffers as shown in the aforesaid Site Plan and this Agreement. No other improvements shall be constructed or maintained at the premises other than in accordance with the approved Site Plan and this Agreement, unless approved by the Planning Board of the Town of New Windsor or the Town Board of the Town of New Windsor, where applicable. The premises shall only be used in accordance with the application documents, this Agreement, the approved site Plan and the Zoning Ordinance of the Town of New Windsor, as the same is presently constituted or may be amended from time to time.

3. No Certificates of Occupancy will be issued until each respective phase, if the project is approved to be constructed in phases, fully complies with the Site Plan, and with any amendments thereto as approved by the BOARD and the provisions of this Agreement.

4. OWNER shall remain responsible for maintaining the Site referred to herein in a safe and proper manner and in compliance with the Site Plan, any amendments thereto and the provisions of this Agreement. The aforesaid responsibilities shall survive and not be merged in any Site Plan approval, amendment or any other document proceeding agreement or contract in connection with the subject matter of this Agreement and said responsibilities shall continue as long as OWNER shall be the owner in whole or in part of all or any portions of the lands which are the subject of this Agreement.

5. OWNER will complete all improvements, construction, demolition, site work, ground preparation or work of whatsoever kind in connection with this site contained in the Site Plan any amendments thereto and in this Agreement in a good and workmanlike manner specifically and without limiting in any way any other requirements or responsibilities of OWNER, OWNER agrees and covenants to perform the following items:

a. Demolish the existing buildings on the premises except the portions of the building containing Cavallo's restaurant and the Red House Restaurant and the building containing Poly-Tech Pools on the site, remove all debris and render the former site of these buildings clean and level prior to the issuance of any Certificate of Occupancy for phase I of the approved Site Plan.

b. Provide ingress and/or egress easements if and as required to effect the traffic flow through the site by others using adjoining stores.

c. Construct all improvements as shown on the approved Site Plan in a manner consistent with all applicable ordinances,

rules and regulations of the United States, State of New York, County of Orange and Town of New Windsor.

d. Request Certificates of Occupancy only after sufficient paved parking and access is available to the respective building for the phase in which the building permit has been obtained and according to the approved Site Plan and to the schedule attached hereto and made a part hereof as Exhibit "A".

e. The OWNER agrees to remove all buildings on the site including those housing Cavallo's Restaurant, The Red House Restaurant and Poly-Tech Pools on the earlier of either the date on which these tenants vacate the premises or the third anniversary of this Agreement. OWNER shall post a cash bond satisfactory to the BOARD or the Town of New Windsor, or its attorney or consultants for the purpose of insuring compliance with the provisions of this sub-paragraph. If the buildings on this premises are not fully removed and the site of the former buildings rendered clean and level by the dates specified in this sub-paragraph, then the Town may on ten (10) days written notice to the OWNER seize the bond amount cause the work to be done by itself or a contractor of its choosing and pay for the cost of said work from the seized amount. The Town of New Windsor shall not be required to litigate or seek the prior approval of any court or other body before seizing said cash bond provided that the OWNER shall have defaulted in performance of the provisions of this sub-paragraph and notice shall have been sent to the OWNER. Notice shall be sent to the OWNER by means of first class mail addressed to Louis Korngold, 135 Strawtown Road, West Nyack, New York or such other address of which the OWNER shall have notified the Town in writing actually received by the Town prior to the sending of said notice.

f. In holding the bond amount, the Town shall not be required to collect or accrue any interest on said amount and shall not be required to pay the owner or any other person interest on said amount. If the Town in its sole discretion places said amount in an interest-bearing account, then and in that event, the interest which has accrued on such amount shall be added to the amount of the bond. If said bond shall be returned to the OWNER after his satisfactory compliance with this Agreement, the amount of interest which has actually accrued on said bond shall also be returned to the OWNER less any deductions made by the Town for its reasonable costs and expenses. If the amount of the bond is forfeited to the Town on account of the OWNER'S non-compliance with this Agreement, then and in that event, the amount of any interest which has accrued on said bond shall also be forfeited to the Town. If any portion of said sum remains unexpended after the Town has caused the removal and work specified herein to be done, then and in that event such unexpended amount shall be returned to the OWNER.

6. BOARD and the Town of New Windsor agree to use their good offices and influence to assist KORNGOLD in coordinating

ingress and/or egress from the site which is the subject of this Agreement and access to the parking lot on that site and to any State of local public parking lot which is adjacent to the site, and for travel onto or through the site. This provision shall not be interpreted to require the BOARD or the Town of New Windsor to do or refrain from doing any specific act or to incur any cost or to commence or defend any action at law in equity in any Court whether that Court be Federal, State, County or Local and wheresoever any such Court may be situate. This paragraph also shall not be interpreted to act in any way in whole or in part as a waiver of or exception to the requirements of any Federal, State, Orange County or Local Laws, rules, ordinances, statutes or regulations.

7. OWNER by executing this Agreement waives any right to contest in any Court any rule, regulation or provision of the Town of New Windsor in effect as of the date of the signing of this Agreement or any present ordinance of the Town of New Windsor, exclusive of any interpretation thereof. The foregoing sentence is not intended to operate as a waiver of the OWNER'S rights to challenge any County, State or Federal provision or statute. OWNER also agrees to bear reasonable cost of defending any litigation instituted by third persons against the Town of New Windsor or BOARD, challenging this Agreement or municipal approvals represented by this Agreement. Upon institution of any such lawsuit, OWNER, shall post a cash escrow sufficient to cover the reasonable cost of such litigation.

8. Should it be necessary for the Town of New Windsor or the BOARD to institute an action to enforce the terms of this Agreement or if any ordinance or of any condition or approval heretofore or hereafter granted to OWNER in connection herewith, the Town of New Windsor or the BOARD as the case may be shall be entitled to recover its reasonable counsel fees and costs in connection therewith. The Town of New Windsor or BOARD shall recover its fees and costs as stated in this paragraph if it is necessary to prosecute a civil or criminal case in order to obtain compliance as stated in that Agreement. Under no circumstances will the Town be entitled to recover the costs to it of the time and effort spent by the building inspector or other similar enforcement officer. It will be entitled to collect reasonable fees charged to it by any attorney, engineer or licensed professional. The costs recoverable by the Town shall be those commonly known as court costs.

9. This Agreement shall be binding upon the heirs, successors and assigns of the respective parties hereto.

10. OWNER shall post two (2) bonds or other security reasonably satisfactory to the BOARD or the Town of New Windsor or its consultants, for the purpose of insuring satisfactory compliance with the landscape maintenance and general maintenance obligations herein or in the approved Site Plan. Any interest or other type of earnings which may accrue in connection with said bonds or other security shall be returned to or be made available



to OWNER thirty (30) days after the yearly anniversary of the posting of any such security unless the Town shall make a claim against such security. The amount of the landscaping maintenance bond is fixed at \$ \_\_\_\_\_; the amount of the general maintenance bond is fixed at \$ \_\_\_\_\_. At the expiration of two (2) years from the issuance of the first Certificate of Occupancy, the landscaping maintenance bond shall be released, unless any claim shall have been previously made by the Town against such bond, in which event the bond shall not be released until any such claim shall have been finally determined or adjudicated. Notwithstanding the foregoing, the general maintenance bond shall also secure the satisfactory performance of the landscaping obligations of OWNER when and if the landscaping bond shall have been released.

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LOUIS KORNGOLD

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TOWN OF NEW WINDSOR and  
TOWN OF NEW WINDSOR PLANNING BOARD  
By: James Petro  
Chairman of the Planning Board

STATE OF NEW YORK            )  
  SS.:  
COUNTY OF ORANGE            )

LOUIS KORNGOLD, being sworn says: I am the individual named herein and I have read the annexed AGREEMENT and know the contents thereof and the same is true to my knowledge.

\_\_\_\_\_  
LOUIS KORNGOLD

Sworn to before me this  
day of                   , 19

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK            )  
  SS.:  
COUNTY OF ORANGE            )

JAMES PETRO, being sworn says: I am the Chairman of the Town of New Windsor Planning Board, a Municipal Corporation and I have read the annexed AGREEMENT and know the contents thereof and the same is true to my knowledge.

\_\_\_\_\_  
JAMES PETRO

Sworn to before me this  
day of                   , 19

\_\_\_\_\_  
Notary Public

RESULTS OF P.B. MEETING

DATE: September 23, 1992

PROJECT NAME: Korngold S.P.

PROJECT NUMBER 90-14

LEAD AGENCY: \_\_\_\_\_

NEGATIVE DEC: \_\_\_\_\_

PUBLIC HEARING: \_\_\_\_\_

DISCUSSION:

Re: Phases

*to be Cash Bond* → Bond to be posted to insure old building being removed  
Remove old building up as far as the Red House Restaurant  
and renovate the portion remaining - prior to issuance of  
C.O. for new building (Bond is to include Pol Business)

SEND TO ORANGE CO. PLANNING: \_\_\_\_\_

DISAPPROVED AND REFERRED TO Z.B.A.: YES \_\_\_\_\_ NO \_\_\_\_\_

RETURN TO WORK SHOP: YES \_\_\_\_\_ NO \_\_\_\_\_

APPROVED \_\_\_\_\_ APPROVED CONDITIONALLY \_\_\_\_\_

NEED NEW PLANS: YES \_\_\_\_\_ NO \_\_\_\_\_

REASON FOR NEW PLANS OR CONDITIONS OF APPROVAL: \_\_\_\_\_

Need Builders Agreement

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 08/07/92

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 90-14

NAME: KORNGOLD, LOUIS  
APPLICANT: KORNGOLD, LOUIS, MD

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	03/29/90	MUNICIPAL HIGHWAY	05/15/90	SUPERSEDED BY REV1
ORIG	03/29/90	MUNICIPAL WATER . PLEASE NOTIFY WATER DEPT - WATER SERVICING SOME BUILDINGS	03/30/90	APPROVED
ORIG	03/29/90	MUNICIPAL SEWER	04/03/90	APPROVED
ORIG	03/29/90	MUNICIPAL SANITARY	04/02/90	DISAPPROVED
ORIG	03/29/90	MUNICIPAL FIRE	04/02/90	APPROVED
ORIG	03/29/90	PLANNING BOARD ENGINEER	05/15/90	SUPERSEDED BY REV1
REV1	05/15/90	MUNICIPAL HIGHWAY	09/05/90	SUPERSEDED BY REV2
REV1	05/15/90	MUNICIPAL WATER . NOTIFY WATER DEPT TO SHUT OFF WATER BEFORE EXCAVATION	05/16/90	APPROVED
REV1	05/15/90	MUNICIPAL SEWER	06/04/90	APPROVED
REV1	05/15/90	MUNICIPAL SANITARY . NO INFORMATION REGARDING WASTE DISPOSAL - SEWER IN THE AREA	05/29/90	DISAPPROVED
REV1	05/15/90	MUNICIPAL FIRE . SEE REVIEW SHEET IN FILE	06/07/90	DISAPPROVED
REV1	05/15/90	PLANNING BOARD ENGINEER	09/05/90	SUPERSEDED BY REV2
REV2	09/05/90	MUNICIPAL HIGHWAY	10/12/90	SUPERSEDED BY REV3
REV2	09/05/90	MUNICIPAL WATER . PLEASE NOTIFY WATER DEPT. FOR LOCATION OF EXISTING SERVICE	09/10/90	APPROVED
REV2	09/05/90	MUNICIPAL SEWER	10/12/90	SUPERSEDED BY REV3
REV2	09/05/90	MUNICIPAL SANITARY . DOES NOT INDICATE SEWER CONNECTIONS- SEWER AVAILABLE IN AREA	09/12/90	DISAPPROVED
REV2	09/05/90	MUNICIPAL FIRE	09/11/90	APPROVED
REV2	09/05/90	PLANNING BOARD ENGINEER	10/12/90	SUPERSEDED BY REV3
REV3	10/12/90	MUNICIPAL HIGHWAY	11/13/90	SUPERSEDED BY REV4

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 08/07/92

PAGE: 2

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
O [Disap, Appr]

FOR PROJECT NUMBER: 90-14

NAME: KORNGOLD, LOUIS

APPLICANT: KORNGOLD, LOUIS, MD

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
REV3	10/12/90 MUNICIPAL WATER . NOTIFY WATER DEPT. FOR LOCATION OF WATER LINES TO PROPERTY	10/15/90 APPROVED
REV3	10/12/90 MUNICIPAL SEWER . NO SEWER LINE DETAIL ILLUSTRATED	10/16/90 DISAPPROVED
REV3	10/12/90 MUNICIPAL SANITARY	10/15/90 APPROVED
REV3	10/12/90 MUNICIPAL FIRE	10/15/90 APPROVED
REV3	10/12/90 PLANNING BOARD ENGINEER	11/13/90 SUPERSEDED BY REV4
REV4	11/13/90 MUNICIPAL HIGHWAY	02/12/91 SUPERSEDED BY REV5
REV4	11/13/90 MUNICIPAL WATER	11/14/90 APPROVED
REV4	11/13/90 MUNICIPAL SEWER	02/12/91 SUPERSEDED BY REV5
REV4	11/13/90 MUNICIPAL SANITARY . NO INFORMATION REGARDING WASTE DISPOSAL	11/14/90 DISAPPROVED
REV4	11/13/90 MUNICIPAL FIRE	11/14/90 APPROVED
REV4	11/13/90 PLANNING BOARD ENGINEER	02/12/91 SUPERSEDED BY REV5
REV5	02/12/91 MUNICIPAL HIGHWAY	/ /
REV5	02/12/91 MUNICIPAL WATER . NOTIFY WATER DEPT IF WATER SERVICE HAS TO BE LOCATED	02/14/91 APPROVED
REV5	02/12/91 MUNICIPAL SEWER	/ /
REV5	02/12/91 MUNICIPAL SANITARY . DUE TO ELEV, THE CONNECT TO SEWER LINE MUST BE PREDETERMINED	02/20/91 DISAPPROVED
REV5	02/12/91 MUNICIPAL FIRE	02/19/91 APPROVED
REV5	02/12/91 PLANNING BOARD ENGINEER	/ /
REV5	02/14/91 O.C. PLANNING DEPT.	03/11/91 LOCAL DETERMIN.
REV4	04/22/91 N.Y.S. DEPT. TRANSPORTATION . SEE REVIEW SHEET IN FILE: WORK PERMIT REQUIRED	04/22/91 APPROVED

RESULTS OF P.B. MEETING

DATE: 8-12-92

PROJECT NAME: Kerrgold S.P.

PROJECT NUMBER 90-14

LEAD AGENCY: \_\_\_\_\_

NEGATIVE DEC: \_\_\_\_\_

PUBLIC HEARING: \_\_\_\_\_

DISCUSSION:

Submitted new plan for discussion only - reduced  
size of bldg - wants to discuss phasing  
The Board was polled re: leaving the old bldg until  
the new (Phase I) is built - Board is against it.

SEND TO ORANGE CO. PLANNING: \_\_\_\_\_

DISAPPROVED AND REFERRED TO Z.B.A.: YES \_\_\_\_\_ NO \_\_\_\_\_

RETURN TO WORK SHOP: YES \_\_\_\_\_ NO \_\_\_\_\_

APPROVED \_\_\_\_\_ APPROVED CONDITIONALLY \_\_\_\_\_

NEED NEW PLANS: YES \_\_\_\_\_ NO \_\_\_\_\_

REASON FOR NEW PLANS OR CONDITIONS OF APPROVAL: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

KORNGOLD SITE PLAN (90-14) ROUTE 300

William Hildreth, L.S. of Grevas & Hildreth came before the Board representing this proposal.

MR. HILDRETH: What this is is just a revised site plan that is a bare bones line drawing to let you know some of the changes that we wanted to make.

MR. PETRO: What is the ones you have in the packet, are they identical to this?

MR. HILDRETH: The ones that you have in the packet are the last things that came to the Planning Board. This is brought for a discussion. If you want to compare one of those.

MR. PETRO: Just so I know the last ones that Mark reviewed are the ones in the packet.

MR. HILDRETH: That is correct.

MR. PETRO: So, you're here only under discussion?

MR. HILDRETH: That is right. A couple of extras.

MR. VanLEEuwEN: You shrunk it a little bit, I can see that.

MR. HILDRETH: Due to we have a couple things in terms of shrinking due to, trying to premarket and also talking to people who understand retail sales and pedestrian movement, traffic movement. Basically what we have done is we reduced the square footage, total square footage of the building, the numbers have been reduced a little over 4,000 square feet from 31,313 to 27,176. The plans that Mr. Lander has will show the old square footage.

MR. VanLEEuwEN: This never had final approval.

MR. HILDRETH: No, it didn't. In doing that, we have also pulled the building back from the rear lot line so it now complies with the building height that is proposed because there was a question before about the distance off the property line as a possible change in zoning which hasn't happened so we now comply with the

current zoning.

Second thing that happened in reducing the square footage, it also relaxed the parking count requirements which allowed us to do some fooling around with restaurants and restaurant seating because it's a different parking requirement. There's a chart that shows potential parking lot count based on the total square footage we have and possibly 120 seats for a restaurant probably more than would have gone in there but because he has a current restaurant tenant, he wanted me to look at that.

Bottom line is we comply with parking, we comply with the building setback line so there's no variances required and we also want to look at phasing that is the other thing that I want to discuss with the Board tonight. It would seem that it would be beneficial, I guess, to phase it because he may not be able to lease everything all at once. He's got a solid tenant for Building A, he'd like to build that first and the way I phased it in colors is to show that each building in each phase we constructed has its own parking based on the square footage that's what I've done.

MR. VanLEEuwEN: Can I say something, I have no problem with the phases whatsoever. I don't think the rest of the guys do but one problem we do have everything must be done before he starts. That was the original agreement.

MR. HILDRETH: There was a lot of discussion on that back in, I believe a developer's agreement was discussed. I don't know how far that got. I do know there was some letters written back and forth.

MR. VanLEEuwEN: They never got any place.

MR. PETRO: Andy has some information on it.

MR. KRIEGER: Yeah, developer's agreement was drafted and proposed. I had back in May discussions with Phil Crotty representing Dr. Korngold. The objection to the proposed agreement fell into two general categories. Number 1 he strongly objected to having Dr. Korngold be the person responsible for anything. In my drafting of the agreement, it was I had drafted it in such a way that he would, I had set forth the promises that I



believe were made and I required in the draft of the agreement that Dr. Korngold honor his promises.

MR. VanLEEUEWEN: He hasn't honored them in the past.

MR. KRIEGER: That's why it's set forth.

MR. VanLEEUEWEN: We have asked that the potholes be fixed in the parking lot, I don't know how many times, that's why I want everything clean and done before he starts.

MR. KRIEGER: That is why they were set forth in as much detail as I could and he objected to any kind of basically any and every kind of personal responsibility for anything in that agreement and some discussion was then had on the overall agreement based on as I understood it then it was Dr. Korngold's desire to come in with a phased plan and as I understand at the time, at that time there was no such agreement. There was no such plan and further discussion on the developer's agreement were held in abeyance pending the Board agreeing to some phasing.

MR. PETRO: How much of the existing Korngold properties are still up? I know Mike Cavello's's, all the green area.

MR. HILDRETH: Basically, realizing this is bare bones plan if you look at that, it might help the existing building is long and narrow, this building sets in here about like that. And that has got tenants in it now.

MR. VanLEEUEWEN: Only two or three.

MR. PETRO: That is the only building left on the property?

MR. HILDRETH: Some of the frame structure is still up over here. The auction mart that's still there. I'm not sure to what extent but that is in their area in here. Obviously, to start Phase I that has to go. What he would like to do is maintain tenants here as long as possible because of cash flow. That's why the green area is Phase III.

MR. VanLEEUEWEN: This other building in the back but this one is the one that's a shack, it's literally a

fire trap.

MR. HILDRETH: It was his indication to me that the desire was to maintain the tenancy because of the cash flow here.

MR. PETRO: Be it a fire trap or not, we'll let the Fire Department take care of that.

MR. VanLEEUEWEN: It's up to the Fire Department but I'll tell you, it's in bad shape.

MR. HILDRETH: The upkeep or whatever and all the items that are pending to in the developer's agreement go along with it but it is a separate item. If we can agree that the conceptual work, I'd like to continue with the plans because there's several, Mark can tell the Board there's several technical items that have to be addressed and it's a lot of details.

MR. PETRO: I just want to poll the Board just for conceptual idea by letting Mike Cavello's strip stay there in the Sections 1 and 2 are built.

MR. HILDRETH: That is how this is set up Phase I and II then would remain.

MR. PETRO: I would ask if it is not going to get off the ground floor, I don't want to waste time with it and I don't want to send it to Mark to get an idea.

MR. LANDER: Well, Phase I will probably, Phase II probably won't go anywhere and we'll still have that strip of rundown shacks still there and I say that because Dr. Korngold doesn't want to take any responsibility himself. Now, he's the applicant, no, he's on record to be the applicant that's who you have stating that you speak for him, right, well unless he's going to take some responsibility, he's only going to do Phase I. The other place will stay just the way it is and that is the way I feel.

MR. VanLEEUEWEN: He'll probably do Phase II.

MR. HILDRETH: It depends on tenancy or leasing, however you want to term it, it depends on being able to market the square footage.

MR. LANDER: How long does he figure on having the existing buildings on 32, how long?

MR. HILDRETH: At the risk of sounding like a smart alleck, as long as it takes is what he's got in mind. If he doesn't rent them then he gets to keep this because of the cash flow, that's the way he presented it to me. He needs to maintain the cash flow until he's solid here and can afford to take this down and build this.

MR. LANDER: Last time, this is going back maybe a couple of years and the agreement was that he was going to take all these buildings down but he can't take Cavello's down because he had a 5-year lease on that building.

MR. PETRO: Which is almost up.

MR. LANDER: Which is almost up, that was his only problem.

MR. VanLEEUEWEN: I have no idea what is going on with the lease but the buildings are deplorable condition at the entrance to the town, looks like hell. If the buildings stay up, I'll not vote for it, nothing against you.

MR. HILDRETH: I speak for the applicant but I can't tell you that he'd agree to that because he told me that he needs this for cash flow to maintain.

MR. VanLEEUEWEN: Then I'd advise him to fix the place up to make it halfway decent.

MR. PETRO: I think if he wants to put some money into the Cavello's strip and get that up to something that's presentable that should be in the Town of New Windsor then come to us with the phases and even if it's less there maybe we won't feel so bad about it. The way it looks right now to do the phases and he does one and part of two and leaves the town is stuck with Number 3. Again, we didn't get anywhere and it still looks like hell.

MR. HILDRETH: I have to say one more thing, this solid tenant that he has is Blockbuster Video has given him a timetable and it's a pretty tight one and I don't mean

to put pressure on the Board because I don't want to. It's possible that if this goes like the time he's going to lose him.

MR. PETRO: You can relate to him as quickly as he gets the first Cavello strip.

MR. HILDRETH: If I didn't say it, he would have asked why I hadn't.

MR. PETRO: It's up to him, if he wants to get it straightened up.

MR. VanLEEuwEN: He hasn't even fixed the parking lot. He fixed it once after five years of asking. He hasn't done anything yet now he has a tenant.

MR. HILDRETH: Having made that point, as far as the change in the scheme opening up the buildings, shrinking it down, any problem with that?

MR. PETRO: Overall the conceptual idea of the whole project is not a problem, do it in the phases, leaving Cavello's strip there is a problem and we have given you two alternatives, either it's got to be made to look like something special or remove it all and come in for a site plan approval.

MR. DUBALDI: I noticed one other change on the site plan from the other plan that we had. This entrance and exit over here on the top, does that lead into the public parking lot?

MR. HILDRETH: Yes, that would be part of Phase II because --

MR. DUBALDI: That wasn't on the last map.

MR. HILDRETH: That was part of the discussion that this was to be made accessible to this site, it was supposed to be interchanged back and forth which is why I have shown that here, that was something that was discussed and asked for a while back. It just hasn't been done since that plan was presented, that's all put that's something that was agreed to before.

MR. LANDER: What is Phase IV?

MR. HILDRETH: Phase IV is this building over here, he'd like to do that last because this building has no exposure. What he's hoping here is that once this flies and is working, this would be a tenant, I don't know, he knows better than me, what he can get in there but it's got limited exposure over here and no exposure on Route 300 so that would go in last.

MR. PETRO: Also, that is why I asked you before when I wanted to poll the Board, there's going to be other problems with the way you have your phases drawn out and Mark is going to probably find a lot of things either wrong or right but you'll probably have to change the way phases are drawn for traffic flow. I don't want to get into that because we are not to that point.

MR. HILDRETH: Phase I consists of a way in and a way out. Phase II consists of a route --

MR. PETRO: You can do that at the workshop because we are not even near that point. We are still worried about if he can even do phases.

MR. DUBALDI: Did he give you a time frame at all or he just basically says as long as it takes put up the four phases?

MR. HILDRETH: A time frame for?

MR. DUBALDI: For all four phases.

MR. HILDRETH: No, not for all four. It was intended that it would be dependent upon how long it took to rent space out.

MR. DUBALDI: So, basically he wants to leave up basically Phase III the way it is now, develop one and possibly Phase II and Phase IV probably just sit there and basically we are just going to have --

MR. HILDRETH: This would be last, yes.

MR. DUBALDI: And we are going to have moved earth and other phases just sit there for a few years and it's going to look like hell.

MR. HILDRETH: If it looked like it was going to be any

length of time, and I don't know how long to say maybe months and months some landscaping even of a temporary nature I'm certain he'd agree to it.

MR. DUBALDI: He's all excited. He's got one tenant. He's got the signs in and that's all he's thinking about.

MR. PETRO: Financial problems are his problems.

MR. VanLEEUEWEN: We all have them.

MR. PETRO: You feel you have the direction, you know what I said.

MR. HILDRETH: I can convey to him.

MR. PETRO: That building is brought up a landscaping plan or what you're going to do with that building or remove the whole thing and we'll get the site plan.

MR. HILDRETH: Just a coat of paint or something?

MR. PETRO: I don't think that --

MR. DUBALDI: I don't think a coat of paint is going to help that place.

MR. PETRO: I don't think so, I think --

MR. VanLEEUEWEN: It's got to come down to be very honest with you, you know me I'm up front in my book, it's got to come down. We have asked him to fix the parking lot. We have asked him to do this, it took four years to get a couple potholes fixed, guys, come on, how much faith do you expect us to have.

MR. HILDRETH: I can't answer that.

MR. PETRO: Make a presentation and have it fixed up.

## TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12550TO Frances Roth 359 Moores Hill Rd DR.  
New Windsor, NY 12553

DATE			CLAIMED	ALLOWED
8/12/92		Planning Board Meeting	75 00	
		Misc - 9	✓ 40 50	
		Windsor Enterprises - 1	✓ 4 50	
		Mt. St. Joseph - 2	✓ 9 00	
	✓	N.W. Golf Club - 6	✓ 22 50	
	✓	Fox Run - 5	✓ 22 50	
2-30	✓	Stewart's - 7	✓ 31 50	
5-21	✓	A HFS - 4	✓ 18 00	
1-12	✓	Hornsgold - 8	✓ 36 00	
2-11	✓	Part, Drive and Fly - 23	✓ 103 50	
		Superior Auto - 5	✓ 22 50	
		Woodlawn - 1	✓ 4 50	
		Blossom Heights - 1	✓ 4 50	
			394.50	

# PRIMAVERA HARDWARE, INC.

ROUTE 32 P.O. BOX 177 VAILS GATE, NEW YORK 12584

May 20, 1992

James Petro, Chairman  
Planning Board  
Town of New Windsor  
Town Hall  
555 Union Avenue  
New Windsor, New York

Dear Mr. Petro:

We wish to inform you (and be on record) that we do not approve the preliminary site plan submitted to us today by Mr. Crotty and Mr. Allerton regarding lands of Louis Korngold.

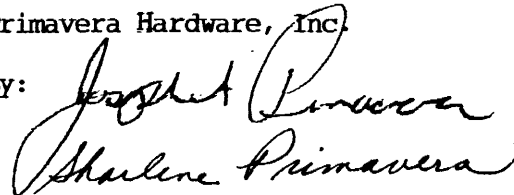
We will not relinquish our existing 10' wide right-of-way extending from Route 32 to Route 300, Town of New Windsor, and claim reasonable unobstructed use (ingress to and egress from, via both directions) of same.

This right-of-way is crucial to our business as it accomodates very large delivery trucks including eighteen-wheelers, as well as customer pick-ups and our own staff parking. Also said right-of-way has been used as such for over forty years.

Very truly yours

Primavera Hardware, Inc.

By:



Shaulene Primavera



KORNGOLD SITE PLAN (90-14) ROUTE 300

Elias Grevas, L.S. of Grevas & Hildreth came before the Board representing this proposal.

MR. GREVAS: One of the reasons that Mark's comments are light because he was trying to review before he had--there was a meeting between the Supervisor and the DOT and people from my office were at that meeting, with respect to access items on the site so in order to get the plans ready, sufficient for that, Mark wasn't able to get them until yesterday and besides, there was a holiday so I couldn't get them over on Monday. In any event, since our last meeting basically what has happened and most important thing is that with the agreement of the town and the DOT, they have agreed to open up this parking lot and give this site credit for some space back here.

MR. SCHIEFER: When did you get credit for the space back there, from whom? I know about the opening but that's been challenged. Who gave you approval to count those parking spaces?

MR. GREVAS: George Green.

MR. SCHIEFER: George Green says no. Go ahead.

MR. GREVAS: Well, I wasn't at the meeting, Bill was but that's my understanding.

MR. VAN LEEUWEN: Lou, can I say something to you? We cannot give you credit for parking places, okay, on someone else's property.

MR. GREVAS: This is as I understand that's why there was a meeting, that's why it was under discussion that was my understanding of the up shot of the meeting, the parking lot is going to be extended and pushed up.

MR. VAN LEEUWEN: We do want the connection through there.

MR. GREVAS: I must say if there's not going to be any credit given the parking lot, there's no sense in putting the connection.

MR. VAN LEEUWEN: We want the connection. Let's not get all excited here but you're going to be able to use it anyway, nobody is going to say nothing. Because you know you're going to use it, you people

can use it.

MR. SCHIEFER: You are not going to have the control of the public, they will use it.

MR. GREVAS: Same thing that goes for Primavera's and for the pizza place and for the glass place, every place that we have provided parking will be used by other people.

MR. VAN LEEUWEN: Absolutely.

MR. GREVAS: So all I'm saying is that it was my understanding that that was an agreement now again I wasn't at the meeting so I am speaking second hand. I wish Bill was here.

MR. VAN LEEUWEN: How about the second piece of property going to give them access to the glass place?

MR. GREVAS: Here, yes. If you'll notice, access to be granted to adjoining lots. There's arrows all through here. Now, what I did was I made up a handwritten list of the items for the developer's agreement which we discussed in the past and what I would be requesting here is that this agreement and now we can add items to it tonight if we come up with any new ones that that agreement handle that business with the additional parking because now there has to be some credit given for the fact that this property is becoming the funnel for all of the traffic in the Vails Gate area.

MR. MC CARVILLE: Are you going to have access onto Old Temple Hill Road?

MR. GREVAS: Yes.

MR. VAN LEEUWEN: There's one big concern that I have and there's two concerns I have, okay, there's one big concern I have. I want you to put it on the map. There will be no building permit issued unless all the buildings are down.

MR. SCHIEFER: That's here. That's exactly what he stated on the first item.

MR. GREVAS: Now, and I also have it here but it's not as complete as that.

MR. VAN LEEUWEN: I'd like that completed.

MR. KRIEGER: What you have here goes beyond what he said, which is better because what you have said you won't even request a building permit until they are all done which is the better way to do it. I think this is adequate for drafting purposes.

MR. GREVAS: That's the first item. Second item is to provide ingress and egress if and as required to provide traffic flow through site by public frequenting adjoining stores.

Number 3, construct all improvements as shown on the approved site plan in a manner consistent with all applicable ordinances.

Number 4, coordinate with the N.Y.S.D.O.T. and the Town of New Windsor with respect to the adjoining State/town parking lot.

Number 5, request Certificates of Occupancy only after sufficient parking and access is available to any individual building in the event of phased construction. Which means there is, if this building gets built, first it has to be sufficient parking to cover the square footage and access before C.O. will be requested.

Now, on the second page what it also said was Town of New Windsor agrees to and of course I'm not saying the town agrees to this but I'm saying this is what we'd like, grant an allowance of parking spaces in the adjoining State/town parking lot for the subject site.

Number 2, assist in coordination with the adjoining business owners with respect to ingress/egress and parking lot access and travel through the site. What I mean there is, if there are some places that we're concerned about and particularly the southerly entrance off of Route 300 because the State for some reason decided to straddle the property line here. We have to construct part of this, the State wants this entry open. I don't know if you remember at the last meeting, Vince suggested and I had it all closed off and the State said no, you have to open it up which cost us some parking spaces here. We opened this up, that cost us some parking spaces in here because the State said we want this open one way in traffic only and we want these brought out to the sides so that people will walk to the adjoining stores. They will also incidently there was a request made at the last meeting to have landscaping on both sides of this as a buffer. We were told that shouldn't be there, take it out so the people have free access. So, we have to

have the town's cooperation in talking to these adjoining people so that when we have these sites for example, the pizza place should then provide some parking in the rear of his property to service his site as well as this site. Right now, we're concerned only with this adjoining parking lot because that's the one that was under discussion.

MR. MC CARVILLE: I don't see any problem with giving credit for a certain number of parking spaces due to the fact if nothing changed on the plan, the people that would be using the building would certainly park in those lots.

MR. SCHIEFER: There is no question, it's going to be used. It's the issue can we legally.

MR. VAN LEEUWEN: We can't.

MR. DUBALDI: We have to send them to the Zoning Board of Appeals.

MR. VAN LEEUWEN: We have to send you to the Zoning Board of Appeals.

MR. GREVAS: I'd rather not go to the Zoning Board of Appeals. What I'd like to do, I'm talking about time here, what I'd like to do is to come up with a draft developer's agreement which would be acceptable to the town which would then hopefully give you some leadway and some way of granting this approval and those adjoining slots again, this site is being used for this whole corner, that was George's idea. And, I'll be honest with you, I'm stunned, I thought that this was already agreed to.

MR. DUBALDI: I have a question. Can we approve this with the five parking spaces--my question is do we have the authority to approve that or do we have to send it to the Zoning Board of Appeals?

MR. SCHIEFER: The issue is--

MR. EDSALL: Real simple, 4816 Section A number 8 specifically states that you can have parking lot and adjoining properties but it must be in the same ownership. Remember Bila Partners, remember B & C Pet Supply. You have set two precedents already. The Zoning Board has determined that that ordinance is specific and it can't even be leased for 99 years. We went through this. There's two decisions already. We don't have any choice.

MR. GREVAS: I need five spaces because I lost them here by opening this up and I lost them here.

MR. VAN LEEUWEN: We have a problem guys.

MR. KRIEGER: Number one, with respect to this parking lot in this approval by the town, this is going back and forth and I can well understand the confusion. When I last talked to Tad Seaman, I specifically about this remember this goes back to September, finally talked to him last month, he called me back. He, after questioning and so forth on my part he agreed that as the ordinance is now written, the town doesn't have any authority nor does the Planning Board to simply waive it, or simply modify it. As it is now, it exists as a Zoning Board question. What he intended to do, what the Town Board intended to do to be perfectly frank with you is a mystery to me. But when it comes down to the specific question, can you, never mind the intentions, never mind if it's a good idea, everybody in the world may agree it's a good idea. The question is can you do it and as the ordinance is presently constituted, no you can't, just simply do it, however good an idea you think it is, you can't do it. That's number one.

A couple of things along the way, it's mentioned in the proposed developer's agreement that I want to clear up with the Board. First of all, with respect to the request Certificate of Occupancy only after sufficient parking in the event and access is available to any individual building in the event of phased construction, I don't think you need to approve this, I don't think it's in anybody's interest to require that it be done to put the applicant in a straight jacket and phase construction, they are going to do that as a practical matter. They are going to have to build something before they build something else. I think that requirement should just simply exist and they are not going to request C.O.'s unless sufficient parking and access is available for the building for which they request the C.O.

MR. SCHIEFER: I think Mike does that automatically.

MR. BABCOCK: Right.

MR. GREVAS: Do you have problems, let's say it's not paved, are you constrained to approve it because it's a building permit item or can you do it under the guise of the site plan?

MR. BABCOCK: Personally, I would like to see it on the

site plan and definitely spell out.

MR. KRIEGER: It would make it easier and the problem is both the applicant and the Building Inspector's situation, if you leave a gray area to the Building Inspector to decide you may be asking him to do more than he's supposed to do and you're condemning the applicant to the decision of one person and that's unfair. That's unfair to the applicant.

MR. GREVAS: Exactly. I think that the reason that provision is in there is not only that but to make it a clearer division so that when we build it in phases, we know how much we have to do. Then, there's no guess work. In discussions with Mark and myself on other projects, I think it's a good idea.

MR. SCHIEFER: As long as the applicant is willing to put it in, I see no problem with putting it there. It restricts them. I see no problem.

MR. KRIEGER: That was the tenor of my comments, not only do I think it should be in there, I think it should be in there without the qualifying phrase in the event of phased construction, you know we have to decide what does that mean, who decides what does phased mean. That's an interpretation.

MR. GREVAS: All I was trying to do if we build one building at a time, that's all I was going--trying to say. You know I'd like to get back--

MR. KRIEGER: If you build them all together, you should require those things. You may apply for a bunch of C.O.'s at the same time, that only makes a different--

MR. VAN LEEUWEN: There's a hardship with you losing the five parking places.

MR. GREVAS: I thought the parking issue was laid to rest. Obviously, it's not. One thing I'd like to ask then if everybody feels that they cannot grant it on the basis of adjoining parking lots now what is the how much am I constrained by going to 9 by 18 space without going to the Zoning Board of Appeals?

MR. EDSALL: No, the corrective way you could make the site work which we have talked about at least twice was that you would make a very slight modification in the percentage of area in retail sales use and you would have to live with that when you layout the internal partitions, walls of the site.

MR. GREVAS: Yes, I realize that but as I said before, I thought the issue was addressed.

MR. VAN LEEUWEN: That's one thing we have a problem, we have been, two people have been turned down by the Zoning Board already and for us to make you go to the Zoning Board at this point, I think is a little hard on you.

MR. GREVAS: What I'm going to have to do is go through the building plans and identify all my storage areas and come up with tighter percentage and see if I can recover those five spaces.

MR. SCHIEFER: Is there in the code a maximum amount of storage space?

MR. EDSALL: Right now it's 70% of retail sales area. If you go to 68, it makes it move the wall a foot, I don't know what it--when you come for the building permit, you just can't exceed 68% total for the entire site of retail sales area, simple as that, 2% change. Don't have to go to the Zoning Board, don't have to violate the law.

MR. KRIEGER: The question is when the building permit is applied for, right?

MR. EDSALL: It's 68% of the total gross, the bottom line is the developer would have to make a determination what amount of retail sales area will be available in each building. We wouldn't know what his intent is at this point, that's for him when he leases the building.

MR. KRIEGER: In other words, he doesn't have to change the plan for the purposes of the Planning Board.

MR. EDSALL: He's got to change the percentage.

MR. GREVAS: One item--

MR. EDSALL: He can have 80% retail in one building and knock the other ones down to 50 if that's the way the leases are set up.

MR. SCHIEFER: On other thing I'd like to advise the applicant if any of this is restaurant that does not apply. You have to recalculate that because we have run into that several times.

MR. GREVAS: I know that's based upon a different set of criteria all together.

MR. SCHIEFER: Be aware of that so we don't see another restaurant in there.

MR. GREVAS: If the restaurant takes up more square footage retail space then you have tables but that never happens, if you have the restaurant the way they jam them in.

MR. KRIEGER: You can't make money in the restaurant business and do that.

MR. BABCOCK: Not only with restaurants, you have what they call which can classify as a retail shop is a pizza take-out, chinese take-out, Pete's hot dogs and there's no seats and so there's no criteria for parking except there's three or four restaurants here that can happen and the parking lot is there for it.

MR. VAN LEEUWEN: I have no problem with the plan. I would like to see one thing and I know you don't have it and I'd like to see a rendering of the building.

MR. GREVAS: We showed it to you.

MR. PAGANO: Were you going to have store windows in the back?

MR. GREVAS: There was a lot of discussion and that and yes we are going to have some. You'll see where I have moved the sidewalk all the way around. Some of these particularly when this is opened up here will face this way. We're all concerned I think about what the site would look like because it's really in a glass bowl here, it's a fish bowl. I mean two or three or four sided you can see it from any direction. We put sidewalks all the way around and there will be storefronts in certain areas.

MR. VAN LEEUWEN: Can we see a copy of the rendering? Are you going to put--is any part of this going to be roofed separate for walkways inbetween the buildings?

MR. GREVAS: Yes, these are.

MR. VAN LEEUWEN: What about the front where the 7 foot sidewalk or the 5 foot sidewalk, is that going to be covered?

MR. GREVAS: I don't think so. I don't know what we have in the way of detail. I don't remember, it's been so long. I think we brought those in back in September.



MR. SCHIEFER: No building permits until all buildings on the entire site are down. I'd like that, Lou's agreed to it, it's in writing here just be aware of it.

MR. BABCOCK: Okay.

MR. GREVAS: Not only I agreed to it that was agreed by the owner.

MR. SCHIEFER: It was agreed to at the previous meeting. I want to make sure that happens.

MR. VAN LEEUWEN: The pool place is back here?

MR. GREVAS: Everything where you got your pen, see the dashed line, that's the buildings that come out, everything is coming out.

MR. VAN LEEUWEN: Can we get hemlocks which grow a lot faster, the same size instead of the white spruce?

MR. GREVAS: The white pines? Again, I just put that in parenthesis because I'm not a landscape architect. What I said here landscape plant materials shall be selected by a licensed landscape architect. Do you want to make that a condition?

MR. VAN LEEUWEN: Carolina hemlocks.

MR. GREVAS: No, you want Canadian, you don't want Carolina. If there's such a thing.

MR. SCHIEFER: Do you want to read, make your comments so it goes into the minutes.

MR. PAGANO: Carl said that nothing would be built until all the previous buildings are down. I'd like to include that in that the trash be removed, in other words, we don't want piles of old buildings.

MR. GREVAS: Demolition permit required, that's part of the permit requirement, isn't it?

MR. BABCOCK: Yes.

MR. GREVAS: What I'd really like to come out of here tonight with gentlemen is if you're satisfied with the plan and I chance this requirement prior to stamping the plan, I'd like to get right to the developer's agreement, make that a condition of approval.

MR. VAN LEEUWEN: What are we going to do with the five--

MR. GREVAS: This is Terry Alepton (phonetic), this is the company that is going to build the buildings. Gentlemen, one minor point on that first item on the building permit, we would like instead of saying we'll wait until all the building are down and then request a permit to request a permit concurrently so that when the buildings are down, we're ready to start construction. He doesn't want any delay inbetween. The buildings have to be down before the permit is issued.

MR. KRIEGER: Before it's issued.

MR. GREVAS: Yes but the application can be concurrent.

MR. VAN LEEUWEN: We don't care about that, Mike handles that. The lot is clean because we have been after him for four years to fill those pot holes and he hasn't done it so my feeling is that's going to leave one building up until he gets the rest.

MR. BABCOCK: I'll start reviewing plan tomorrow, that's not a problem.

MR. SCHIEFER: So you can apply whenever you want, just wouldn't be issued until he meets the requirements.

MR. BABCOCK: We should put the pictures in the file if they'll fit and then I can compare those.

MR. GREVAS: At this point, then I'd like to get started on the developer's agreement. We're coming up on another construction season and I'd like to request approval on the condition that I change this, not to provide the necessary parking on-site, that's I think the only change we have got here, if I'm correct that and the developer's agreement.

MR. SCHIEFER: If you straighten out the parking, I have no problem.

MR. VAN LEEUWEN: I have no problem now this is the entrance to our town. We've got to get it cleaned up. That's more important than anything else. Lou, if we give you approval tonight, how soon can they get a shovel in the ground and get going?

MR. GREVAS: Not until we get the developer's agreement underway, not until April or May.

MR. VAN LEEUWEN: It's going to take a week to get the developer's agreement.

MR. KRIEGER: I have to draft it. I have to send it to Lou or whoever they designate.

MR. VAN LEEUWEN: I'll make a motion to give them approval providing he starts within 30 days.

MR. EDSALL: I'm just going to remind you as part of my previous comments I'm just reminding you under Section 239, under the State law this is supposed to go to Orange County Planning and we do not have a DOT-- it has not gone to Orange County Planning to my records.

MR. GREVAS: Why do I send 15 copies of the plan over here?

MR. EDSALL: Why do I make my comments?

MR. LANDER: Mike, number 5 before you give a C.O., don't they have to have on the phased construction question was brought up whether it had to be paved or not, right before you issue a C.O. on individual building in that phase, it had to be paved, doesn't it some type of--that was the question that was brought up. My answer I didn't get an answer on that one.

MR. BABCOCK: I'm going to require it, what my answer to Andy was is that I would like to see it spelled out how that would work.

MR. LANDER: In number 5.

MR. BABCOCK: I'm a little lost on number 5. Where are you on number 5?

MR. LANDER: Over here on the developer's agreement.

MR. KRIEGER: On other thing--

MR. LANDER: Because he did ask you if you were talking about pavement or not.

MR. KRIEGER: Okay, the applicant has to be aware that it is going to be charged for the cost of whatever costs are incurred in drafting the developer's agreement. I'm not requiring anything right now, just they have to be aware of it. I don't want them to come back and sav--

MR. GREVAS: It's been my experience that the applicant's attorney has prepared deeds and submitted them for review. Is that an acceptable practice to the Board? I mean that is the way it's been done in other places.

MR. KRIEGER: Let me--I don't see any, personally I don't see any problem except they are going to want from me an opinion as to what the developer's agreement is. In terms of doing the work, I have no problem with and I--it's within my purview. They don't care. You want to do a draft and pay an attorney to do that heavy work as opposed to me and have me look at the draft, fine. What I'm saying either way the procedure as to who starts this drafting and stuff I don't particularly care about and I think the Board is only concerned about the end, not the beginning. That's my problem.

MR. GREVAS: I think it might save us a step if you started it, if you did it because then it's a question of us agreeing to something that you would have reviewed, had resubmitted it. You know, instead of ping pong and ping it's ping and pong.

MR. KRIEGER: That's okay, I can do it either way and I don't think that the Board has to indicate either way firmly. If you want then if they do approve subject-to a developer's agreement, if you want to talk further as to how this is to proceed of getting that in place, I'll work with you on getting that in place and I think we can work.

TERRY ALECTON: We don't mind doing it that way.

MR. SCHIEFER: Mike, do you have any idea why this didn't go to Orange County Planning?

MR. BABCOCK: Typically, once we get a plan that we think is going to be the plan at the end result, that's when it's told that that night we need to send it to the Orange County Planning. I make a note on the agenda and Myra sends it. I haven't missed any meetings and apparently it's been missed by all of us.

MR. SCHIEFER: As of tonight, this is the plan there seems to be no problem so on behalf of Mr. Grevas, I request a.s.a.p.

MR. GREVAS: I didn't mean to blow off but, you know, they have how many days to reply, 30 days?

MR. BABCOCK: Yes. You know as of this of tonight, I've been looking at this same plan, I don't think anybody said yes, this is the plan or this isn't the plan until tonight.

MR. SCHIEFER: Tonight it has been said I'm not saving

but we'll get it off.

MR. KRIEGER: We have to work on the developer's agreement. I'm not bound to do doing that so we can get that going along.

MR. BABCOCK: In answer to Ron's number 5, if the applicant is going to go back and do the modifications on the plan, maybe it would be practical to ask him if he'd like to phase the development and the parking along with that maybe he can put in some temporary phase lines for the approval of the Board. I don't really want to be the guy to determine how much parking and how many driveways and accesses you need depending on what stores. I think there should be, if the applicant wants to phase it, he should tell us how much he wants to build and how much parking lot he'll build and you guys approve that.

MR. GREVAS: Last year, a year ago, maybe a year and a half ago, I'd have said no problem. The market the way it is today, I don't know and I'm sure Terry will agree with me.

MR. BABCOCK: But I don't really want to be the one to say that the entrance on 32 and the entrance on Temple Hill Road has to be done for one store, two stores, three stores and what happens here number 5 puts it all on my shoulders and I'm not going to--

MR. GREVAS: As part of the agreement, it may be, let me think of a way around this without locking down anybody, without locking down because of the financial situation that's the only reason I'm saving locking down. All right, Terry and I will have to discuss that and find out if there is some way we can come up with a phase.

MR. SCHIEFER: I understand Mike's concern.

MR. GREVAS: I can see where he's coming from.

MR. KRIEGER: As I understand it, what you want is a list that says guidance that says before you build a building, know the adequate parking spaces in general but you have to have this done specifically for that so you can go down the list and say it's not your decision.

MR. BABCOCK: There is an awful lot of parking that goes out to 32. Is that part of store 1, 2, 3, 4, 5?

MR. KRIEGER: That has to be done first.

MR. SCHIEFER: Let them discuss that. Mark, have we taken SEQRA responsibility?

MR. EDSALL: Yes, you have taken lead agency. No, you have made no determination. I have got some of the things that I asked in June of 1990 that we should get some answers because when it comes time to bonding the job, Mike and I are stuck with it. Do you or do you not care about lighting on this site because we have no information.

MR. GREVAS: Yes, you do on sheet 2.

MR. EDSALL: Lighting patterns and if you don't want it, I don't know but I'm asking in June what type of form the Board wants and I can't review it if I don't know what you want.

MR. PAGANO: I'll be glad to work with Mr. Grevas on the lighting if he wants to.

MR. SCHIEFER: There is a new ripple coming into the lighting thing. Central Hudson will not maintain any of the lighting on any of these sites unless we use units that they have an inventory of. In the future, that's going to come into concern on lighting.

MR. PAGANO: Their units are leftover units that are basically in inventory. They are trying to get rid of them.

MR. SCHIEFER: If we introduce something new and they don't have it, Central Hudson will not approve it.

MR. VAN LEEUWEN: That's not in this case that's only in subdivisions.

MR. SCHIEFER: Okay, this is private here, okay, go ahead.

MR. LANDER: Still, the lighting is going to have to be reviewed.

MR. EDSALL: Do you want to have it reviewed that you're going to have minimum lighting levels through the site or are you going to leave it purely to the developer's discretion as to what type of lighting and concentration of lighting will be on the site? I'll review what the Board cares to have reviewed.

MR. SCHIEFER: I think it should be reviewed and come up with it.

MR. EDSALL: We need information. I know Don Green has worked very hard with the town but we should have something on file when you're ready to take your action in light of the specific criticism from the DOT that we failed to have paperwork on file when we approve things, we should get the paperwork on file that they have accepted the configuration of the road entrances and the drainage.

MR. LANDER: Before we give approval--

MR. GREVAS: Well, okay again that's another thing that I thought--

MR. EDSALL: Even if we get a letter from Don, it's up to him if he wants to require a permit prior to approval or not but the point is that's something he's told us. You also denied a waiver of public hearing on this application so you should really decide if you want one or not.

MR. GREVAS: We had one.

MR. EDSALL: No, I'm sorry, you denied it once and you held it. Was it closed?

MR. GREVAS: Yes.

MR. EDSALL: I don't know for sure. The landscaping schedule I have no idea what type of planting that you want.

MR. VAN LEEUWEN: I just expressed hemlocks, Carolina hemlocks compared to white spruce.

MR. EDSALL: When you want a site review done for bonding, when it's complete, we have to determine if they have complied with the site plan. There's no indication here what type of plantings the different symbols mean and I don't know how you would ask us to approach that during site plan compliance review or bonding.

MR. LANDER: We are going to have to have a landscaping plan otherwise how is he going to know what to come up with for the bond estimate?

MR. VAN LEEUWEN: He's already put down what he's going to.

MR. GREVAS: I have got a couple of other trees, junipers and things. I'm not a landscape architect.

MR. EDSALL: What I'm saying if you don't want one, make that determination.

MR. MC CARVILLE: There's one on the plan he has to identify what the animals are.

MR. SCHIEFER: Due to the location, I think we should identify, get as much of the landscaping information in writing as possible as we can. I tend to agree as Mr. VanLeeuwen says this is the entrance to our town, we want to make sure it does look well.

MR. VAN LEEUWEN: We have had a few disappointments out there. We want to make sure it's right this time.

MR. EDSALL: Again, I'm not looking to make it difficult to get these things solved, I'm looking to try to accomplish this by the next meeting but I did ask this question in June of 1990 and I'm trying to comply with what the Board likes to see as complete site plan.

MR. SCHIEFER: I think we have answered those questions.

MR. VAN LEEUWEN: As far as I'm concerned then there's no big deal.

MR. SCHIEFER: Are there any major objections?

MR. EDSALL: It's a nice site plan.

MR. GREVAS: I did not draw isolux curves because you have never required them in one instance we were told you didn't want them. I can work with Mark on what we are showing and what we are throwing as far as lights and one of the things I am a little bit vague on and necessarily so is the building mounted lights along the back of the building because since we first started coming in here, we have now gotten some cohesion on where these buildings are going to face and we are going to have store fronts out the front.

MR. EDSALL: An approach that's worked and I'm not going to create an isolux plan, when the architecture is done, there may be a need to coordinate specific fixtures even if the plan, the agreement included the need to have a professional prepare a plan for lighting and then stipulate specific minimum lighting levels for the parking area and the entrances. That accomplishes what we need.



MR. DUBALDI: Look what happened with Oakwood, we didn't require isolux curves and lighting and the parking lot is dark on the right hand side and there's not enough light and we decided that wasn't going to be an issue and we put that aside and we didn't get the results really that we should have so I think we should require it. Something that's going to tell us where the lights are going to be.

MR. VAN LEEUWEN: Him and Mark get together and come up with a lighting plan that's agreeable.

MR. GREVAS: If Mark and I have shown the fixtures, if Mark and I agree that we have got them spaced properly, we can determine that fairly quickly.

MR. VAN LEEUWEN: Do it that way. Get to the county, get it done, get the square footage and let's get this thing approved.

MR. GREVAS: Inasmuch as the county has 30 days, I'd like to request that Andy starts on his part on the maintenance agreement and that as soon as the answer comes in that we be placed back on the agenda because we don't get those answers, they come to the Town Hall. We don't get those letters from the county.

MR. SCHIEFER: As soon as they come in, we'll put them back on because right now, with these few exceptions, we have no more major problems. We are going to go with it.

MR. MC CARVILLE: I make a motion that we declare a negative declaration under the SEQRA process for the Korngold Site Plan.

MR. VAN LEEUWEN: I'll second it.

ROLL CALL:

Mr. Pagano	Aye
Mr. McCarville	Aye
Mr. VanLeeuwen	Aye
Mr. Lander	Aye
Mr. Dubaldi	Aye
Mr. Schiefer	Aye

MR. GREVAS: Thank you gentlemen.

MR. PAGANO: Anything else to clean-up on this?

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MR. EDSALL: No, I think the layout is fine. We just have to get some of the basic information so we know when it's time to build it what we have got.

MR. SCHIEFER: Mike, you'll take care of sending a copy of this to the county?

MR. EDSALL: Yes.

KORNGOLD, LOUIS SITE PLAN:

Elias Grevas, L.S. came before the Board presenting this proposal.

BY MR. GREVAS: Since the last time were before the Board with this submittal, there have been some changes made and some discussions held with the Town concerning some of the adjoining properties to this project. The first and foremost is that the impending construction on 32 is going to make some of the existing businesses a little short on parking, even though the state is showing a parking lot in a parcel acquired from our client here on one of the adjoining parcels. In a meeting held with the Supervisor and the Town Attorney and the developer, some agreements were reached. Number one, that all of the existing buildings would be taken down as part of the site plan. In other words, it wouldn't be phased in and so forth. Those buildings would be down before the thing started. The main point of the discussion was the access to the site and the parking requirements for the entire area, not just this project. Some of it centered about the driveway and parking lot off to the southeast towards Route 32 between Primavera's and Angelo's Pizza. This driveway we had shown as being blocked off because we felt that the proximity to the intersection would not permit us to get a permit to have an entrance there. Supervisor though says that he feels that the entrance should be here for right turn in only, right turn out only, no cross traffic to better serve the adjoining properties. There is an easement along that parking lot that is in favor of the Primavera's. It is an existing ten foot width right of way to get from 32 to the back of the property for loading purposes. Due to the driveway immediately adjacent to this, I went to see the Primavera's to find out if we could relocate this right of way in this location, so I have shown the two alternates here. This is strictly an alternate situation, the Primavera's already have this right of way and if they agree to move it to this point, that is fine, but there is not too much we can do about it. That is a legal entity that they have retained.

BY MR. VANLEBUNDEN: In other words, you are just

leaving him the ten foot between his buildings?  
Is that what you are doing?

BY MR. GREVAS: No, no, he already owns this,  
Primavera already has a ten foot right of way, that  
is correct.

BY MR. VANLEEUEWEN: He can't get a tractor trailer  
in there.

BY MR. GREVAS: He does now.

BY MR. VANLEEUEWEN: It is only ten feet?

BY MR. GREVAS: Yes. Anyhow, to get back to what  
it is here, what we are trying to do is make the  
traffic flow better and also, as part of the  
agreement, the applicant has agreed to provide  
access to this site through the Primavera property,  
the Caccico property and the parking lot that is  
being created by the State. Then the Town would  
expand this parking lot and have an entrance coming  
in onto the driveway so the traffic could come  
through the site out onto Old Temple Hill which is  
also going to have a traffic signal and out onto  
32. As I say, this is all agreed upon at that  
meeting as part of this whole picture for the  
entire intersection. In laying it out we have come  
up with a parking count that uses part of this lot  
which we understand we will be permitted to use by  
the town as an off site parking site. As it stands  
right now, the count we need eight spaces in this  
particular lot. But this is under the realization  
that all of these properties will have access  
through the site, they will be able by having  
access to our southeasterly boundary to have  
parking on their own sites and also to have loading  
and possibly even consider changing their spaces,  
but that is strictly up to them.

BY MR. VANLEEUEWEN: What are these buildings going  
to look like?

BY MR. GREVAS: That would come once we decide on  
this concept. I must say that I have changed the  
sideyards here. I am hoping that that town  
requirement goes through. If not, then I am going  
to be limited to four inches per foot for the 35  
feet for the building height but at any rate, right

now we conform to the zoning for the setback of the buildings. We are eight spaces off site in the town parking lot and if the Planning Board agrees to that concept, then we will come back to you with the final plans, site grading and drainage and elevation of the buildings.

BY MR. SCHIEFER: There is no legal problem with off site parking in a town lot?

BY MR. VANLEEUWEN: He's not using it in his count.

BY MR. SCHIEFER: Yes, he is using it in his count.

BY MR. GREVAS: My understanding is that this lot is to be constructed by the State and maintained by the town.

BY MR. VANLEEUWEN: That part of it is correct. I do know that because Ernie and I originally sat in on that Route 32 improvement committee highway.

BY MR. SCHIEFER: What part is correct?

BY MR. VANLEEUWEN: The State is going to construct, the town is going to maintain.

BY MR. SCHIEFER: The issue is can he have off site parking in that lot part of his count?

BY MR. VANLEEUWEN: Are you taking, Lou are you taking all these spaces in consideration with your parking?

BY MR. MCCARVILLE: No, eight of them.

BY MR. DUBALDI: What happens in the future if that parking lot is taken out for whatever reason? If you use that in your count --

BY MR. SCHIEFER: Can't take that out.

BY MR. MCCARVILLE: Build high rise parking.

BY MR. SOUKUP: You can't sign a lease to guarantee those spaces will be there forever. You can't approve the map if it doesn't show the spaces for the building on the parcel without a variance or something.

BY MR. GREVAS: I don't know about that. I think that if we were out onto the street for example, out on here and this was off site on street parking permitted along the street, we'd be able to count that.

BY MR. SOUKUP: That is only in Cornwall where you have a C.B.D. ordinance. They have a central business district.

BY MR. GREVAS: I don't know if that is exactly true, but I'd like to have that researched. This is part of, as I say, the idea here is to combine all of the existing businesses in the Vails Gate area into this new set up so that nobody suffers from the loss of the parking due to the reconstruction on 32. And that is --

BY MR. SCHIEFER: I think it's, the idea is good but I want to check out the legality of it.

BY MR. SOUKUP: In Cornwall, they have the same problem and their solution there and I am not saying it is right for here, they defined an area and they said those lots in that area could take credit for so many on street parking spaces based on a central business district parking area. That ordinance doesn't exist in the Town of New Windsor and I don't believe under the zoning as it is right now unless the lot provides the parking for that building, the Board can consider it.

BY MR. SCHIEFER: I wanted to ask our attorney to research that, get us a legal answer.

BY MR. MCCARVILLE: We can send it to the Zoning Board of Appeals and go for a variance of the eight spaces.

BY MR. SCHIEFER: He can go for a variance but I am trying to find out does he need it. Do you want to take that?

BY MR. GREVAS: I'd rather not. Our conversation with the supervisor and the Town Attorney, he thought that that was a very possible thing to do. Now, whether it has to be done by a resolution by the Town Board or what it is, I don't know, but Mr.

Seaman said --

BY MR. MCCARVILLE: Let Andy and him work it out.

BY MR. GREVAS: I am here tonight to find out if the Board wishes to hold a public hearing on this. If they do, then I can prepare for that while the other items are under discussion.

BY MR. MCCARVILLE: Before we get to that issue, one question in the plans. I've got to say the plan looks very good from first glance in taking a look at it. It is certainly a lot better than the earlier revisions we had.

BY MR. SCHIEFER: And some of the stipulations they have agreed to are pretty good, too.

BY MR. MCCARVILLE: You have the eight foot walkway coming out between two buildings right onto a street. Is there going to be a recessed sidewalk underneath the building?

BY MR. GREVAS: Yes.

BY MR. MCCARVILLE: That is not shown on here, but --

BY MR. GREVAS: No, it is not, but the architectural detail hasn't been developed for this yet, but the reason is for this parking lot so people can get from the parking lot to there.

BY MR. MCCARVILLE: I can understand the reason but these people aren't going to have to walk out into a driveway, are they?

BY MR. GREVAS: What we are going to do are these two things. Number one, we have a 35 foot driveway, we can put a sidewalk and curb or landing of some sort and at the very least, a painted crosswalk out across here with the proper signing.

BY MR. VANLEEUWEN: Just put the concrete across and put the blacktop on each side of it, raise the sidewalk so you have to slow down.

BY MR. MCCARVILLE: Very interested in the elevation of the buildings at our next meeting.

BY MR. GREVAS: No question about that.

BY MR. SOUKUP: I'd like to see the front and back elevations both.

BY MR. MCCARVILLE: I'd like to see them all the way around.

BY MR. GREVAS: That is the reason again for being here, because quite honestly, this concept of opening this whole area up makes it two sided building. There is no more front and back.

BY MR. SOUKUP: We have an open site pretty much.

BY MR. VANLEEUEWEN: Last meeting you said you were going to tear down this building that is over here first.

BY MR. GREVAS: Yes.

BY MR. VANLEEUEWEN: What kind of guarantee do we have that this building here is going to be torn down?

BY MR. GREVAS: It is going to be part of that.

BY MR. VANLEEUEWEN: We asked Mr. Korngold last time he was here to fix the parking lot, it hasn't been touched. I want some kind of guarantee before I will okay it in my own mind that this building is going to be torn down, whether it be a bond or whatever.

BY MR. SOUKUP: Which building are you pointing to?

BY MR. GREVAS: This one here.

BY MR. VANLEEUEWEN: It's shown here.

BY MR. SCHIEFER: The existing building? Wasn't the agreement that that all be torn down?

BY MR. VANLEEUEWEN: No, he doesn't want to tear them all down.

BY MR. SCHIEFER: He said they were going to tear them all down.



BY MR. GREVAS: He met with the Supervisor and Attorney.

BY MR. VANLEEUEWEN: My question is answered then.

BY MR. GREVAS: That was the stipulation.

BY MR. VANLEEUEWEN: Before he puts a shovel in the ground, they are all going to come down?

BY MR. GREVAS: Yes.

BY MR. VANLEEUEWEN: Fine, my question is answered.

BY MR. MCCARVILLE: Screening between Kay Kelley's property and this property, any proposed screening?

BY MR. GREVAS: No, because they are basically continuous uses. We hadn't considered it. You know, we can.

BY MR. MCCARVILLE: Unregistered cars, I think there should be some screening of some sort particularly not in the front but more in the back because --

BY MR. VANLEEUEWEN: Why don't you come up with something?

BY MR. SOUKUP: The entrance to Route 300 which is the 28.7 foot entrance, I think should have a couple --

BY MR. LANDER: 29 or 28?

BY MR. SOUKUP: That should have a pair of islands on it similar to the one on the righthand side. A pair of ears or planted, some planted islands similar to the righthand side when you get to the righthand side, I don't see any definition between this parking lot and the parking lot of Rose Marino.

BY MR. GREVAS: That is because the State, if you will note, when they put this entryway here, they straddled the property line. I don't know why but they did. You see the other side of the curb island here and in order to get through here, I had

to leave this open for these people.

BY MR. SOUKUP: Is there another building in there or is it further out, I forget where the building line is.

BY MR. MCCARVILLE: It's way back.

BY MR. GREVAS: It's in here, approximately, they will show up on the topo because we located them as part of the topo.

BY MR. MCCARVILLE: With just a few more plantings, it could work.

BY MR. GREVAS: Just for the Board's information, you will see in the file there was an objection by the fire department about this island. We have cut this back and Bob seemed to be happy with it at the last meeting.

BY MR. EDSALL: He already reapproved it.

BY MR. LANDER: How are you going to handle the drainage?

BY MR. GREVAS: There are existing catch basins put in as part of the Route 300 construction, also as part of the Route 32 construction and there are many catch basins and culverts on this site now. We are in the process of trying to figure out which ones we are going to retain and which ones we are going to replace and which ones we are going to abandon. They are all over the place. They are everywhere.

BY MR. SOUKUP: One story buildings?

BY MR. GREVAS: Yes.

BY MR. EDSALL: The previous review sheet or submitted plans and I had three pages of comments Lou and I were going to work on. The reason the new plan is alone and my comments are significantly shorter is that we are looking for some endorsement as it may be of the layout because I have agreed with Lou that he shouldn't proceed with any of the drainage, any of the details, any of the elevations, any of the detailed information until

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you at least review the layout and say you feel it's acceptable.

BY MR. SCHIEFER: We have got one comment on the area. So far it's a great improvement.

BY MR. EDSALL: In all fairness, you may want to poll the Board and get it on record.

BY MR. SCHIEFER: Any objection to this basic layout? There is a lot more details have to be settled in but I think it's an improvement.

BY MR. MCCARVILLE: No objection.

BY MR. SCHIEFER: Mr. VanLeeuwen is going to be happy with the fact that everything is torn down before construction. If that isn't legal, that doesn't work out then something has to be changed, building size has to come down.

BY MR. EDSALL: Concept layout.

BY MR. SOUKUP: Obviously if he runs into drainage problems he may have to reduce some paved areas to compensate for that.

BY MR. SCHIEFER: Conceptually I have no problem with it.

BY MR. MCCARVILLE: No, I am interested in elevation though.

BY MR. SCHIEFER: Do you have any objection to the basic concept, Carmen?

BY MR. DUBALDI: No.

BY MR. SCHIEFER: In concept, the Board is unanimous in their approval.

BY MR. MCCARVILLE: I make a motion we take lead agency position.

BY MR. SOUKUP: Do we need to make it coordinated and send it to the DOT since they are abutters?

BY MR. EDSALL: DOT has provided all the curb accesses except for the Route 32 access and that's

already under review as part of their improvements. I don't believe there is going to be any permits needed other than that. I am not aware of any other agencies that would be reviewing it, so I don't believe it's a coordinated review.

BY MR. SOUKUP: I will second it.

ROLL CALL:

McCarville: Aye.  
VanLeeuwen: Aye.  
Pagano: Aye.  
Lander: Aye.  
Dubaldi: Aye.  
Schiefer: Aye.

BY MR. GREVAS: One question I have of the Board. Are you going to wish us to go to a public hearing?

BY MR. SCHIEFER: You read my next thought.

BY MR. LANDER: We do have residents on the other side of Kelley.

BY MR. VANLEEUEWEN: I don't think a public hearing is necessary. I make a motion that we waive the public hearing. The main thing what I am interested in and I will be honest with you is getting those buildings down and getting a nice new building up because it's the entrance to our town.

BY MR. SCHIEFER: And a decent parking lot.

BY MR. VANLEEUEWEN: We are willing to work with him and we are just waiving a public hearing now, but by rights, we shouldn't. He told us he'd fix the blacktop and he has not fixed it yet.

BY MR. GREVAS: There is also something that still has to be accomplished and we have touched on this earlier and that is a developer's agreement and Andy and I have discussed it at some length and discussed it with our client and that is a recommendation that we have all agreed upon as a means of insuring that whatever is agreed upon as part of the site plan process gets built that way.

BY MR. MCCARVILLE: You are right.

BY MR. VANLEEUEWEN: That blacktop I will not make another motion in this case or vote yes until the blacktop is finished.

BY MR. LANDER: That all has to do with drainage.

BY MR. MCCARVILLE: It's a little premature in even determining whether we should not have a public hearing. There is some people that would be very interested.

BY MR. LANDER: I think we should have one.

BY MR. MCCARVILLE: I think we should, too.

BY MR. GREVAS: If the Board wishes to, we will advertise for it.

BY MR. SCHIEFER: Do you want a decision now?

BY MR. GREVAS: Yes, I'd like it so I can get this thing going.

BY MR. MCCARVILLE: Go with a public hearing.

BY MR. DUBALDI: There was already a motion to waive the public hearing.

BY MR. VANLEEUEWEN: And it's been seconded. I do want to see that building.

BY MR. SCHIEFER: That is coming down. During your absence, I commented on that.

BY MR. SCHIEFER: We are voting to waive the public hearing.

ROLL CALL:

McCarville:	No.
VanLeeuwen:	No.
Soukup:	No.
Lander:	No.
Dubaldi:	No.
Schiefer:	No.

BY MR. SCHIEFER: As soon as the work session agrees, everything is in order, schedule public hearing soon after that.

BY MR. BABCOCK: Can I briefly go over the retail use? This building, these entire buildings on this plan for the proposed retail use as we discussed before eating and drinking places, that's been a problem in a retail use.

BY MR. SCHIEFER: Are you aware of what he's saying?

BY MR. GREVAS: Yes.

BY MR. BABCOCK: Pizza shops, you know, delis, ice cream stands, whatever, in a retail use creates parking problems. In the C zone, the building height requirement, it increases for eating and drinking places. I just want the applicant to know if this is considered retail, it's going to have to be retail as far as the parking.

BY MR. GREVAS: Yes.

TOWN OF NEW WINDSOR

PLANNING BOARD

OCTOBER 24, 1990

MEMBERS PRESENT: CARL SCHIEFER, CHAIRMAN  
CARMEN DUBALDI  
DAN MC CARVILLE  
JOHN PAGANO  
VINCENT SOUKUP  
RON LANDER

ABSENT: HENRY VAN LEEUWEN

ALSO PRESENT: MARK EDSALL, P.E., PLANNING BOARD ENGINEER  
ANDREW KRIEGER, ESQ., PLANNING BOARD ATTORNEY  
MICHAEL BABCOCK, BUILDING INSPECTOR

MR. SCHIEFER: I'd like to call the regular meeting of the Town of New Windsor to order.

We will defer approval of the September 26th, 1990 minutes until next month's meeting.

PUBLIC HEARING: KORNGOLD, LOUIS SITE PLAN - (90-14) ROUTE 300

Elias Grevas, L.S. from Grevas & Hildreth came before the Board representing this proposal.

MR. GREVAS: Here is the mailing copy of the advertisement, assessor's list and a copy of the notice as mailed.

This project is right in the heart of Vails Gate about 3 acres of land with access on three roads, Old Temple Hill Road, Route 300 and Route 32. It is in back of Primevara's Hardware, Casaccio Window place and the new parking lot being constructed by the State DOT. Wendy's is here on the corner and there is a parcel here that is owned by the Albany Savings Bank, Kelly Motors is here.

Purpose for the meeting tonight is to basically show you what we want to do in the way of building, access and things of that nature. We are fully aware that there are details that have to be worked out as far as signage, actual locations of walkways and a few other things of that nature and particularly the alternate Route 32 access as well as any of the access points on State highways, although the one on Route 300 is already existing as a result of that reconstruction recently.

We are proposing to remove the existing buildings on the site and install approximately 31,367 square feet of building space, retail space in the configuration. We make the side yard requirements, rear yard requirements and front yard requirements and so forth. The unique part of this plan is that in order to sever the adjoining properties along 32, since that is in the process of being widened out, that we have been asked by the town to grant access to those properties over these lands as well as from the parking lot being constructed by the State DOT. Purpose for that is to treat the whole triangular portion of the Vails Gate intersection as basically one entity where we fully realize people may be parking here, may shop elsewhere and vice versa.

We have shown in schematic form proposed landscaping on the front sheet, the parking spaces we have shown on this particular plan, 156 spaces on-site based on a 72% factor of the square footage of the building. Now, again, we realize that in this zone, there are some uses where the parking is different than the 1 space per 150 square feet, for example restaurants. But, as the points for the retail space we have shown this figure. We have also been talking to the town about the possibility of creating some sort of a business district here to allow some credit for adjoining parking on adjoining lands. Right now, your ordinance does not provide for that. That is a matter of discussion and the purpose again for the meeting tonight is to lay down the basic footprint of the building, the access points to see if you folks agree with it and also to illicit any public comments so that we can address them when we get down into the detail.

We have also prepared a site grading and drainage plan basically using the existing culverts that are available to the site again because of the reconstruction of Route 300 and 32 currently under construction with the addition of some new culverts and catch basins on-site to connect to those points. There are some existing storm drains on-site but one of them was an 8 inch pipe which is considered to be too small, some of them went nowhere and we don't know the condition of some of the other ones. They are to be removed and new culverts installed.

That is basically it except for as a result of the Planning Board's comments at the last meeting, we prepared some sketches



of the elevation of the buildings and again these are preliminary sketches to give you an idea of some of the detail on the buildings and some of the building facias. Now, as I pointed out before, there may be some changes in the sidewalk locations, basically because of access to parking. Just to show you some of the thinking right now, these walkways through the buildings have been realligned slightly to this plan to be more accessible to the parking spaces in the rear. Footprint of the building doesn't change, just the position of the walkways. This hasn't been decided upon yet but it's a thought to aim these towards the parking areas. And again, this is for discussion purposes at this time. Given that, I'd like to receive questions from the Board and the public.

MR. SCHIEFER: What I'm going to do is ask for comments from the Board first and then I will open it up to the public. I want to make, I ask one question, I know the answer to it because we already addressed this, I just wanted to public to hear, to be aware that all the old buildings will be knocked down prior to construction of the new.

MR. GREVAS: That is correct.

MR. PAGANO: One of the Fire Department concerns and still is a concern is the parking in the loop there around the center.

MR. GREVAS: This area?

MR. PAGANO: Looks like not much room for a car to get through and I know the Fire Department was very concerned getting equipment in there.

MR. GREVAS: At our last workshop session, I went over this and from what I understand, it's now acceptable. This corner, I had this island out in this area quite far, this has been looped off and I am given to understand that they are happy with this layout now.

MR. EDSALL: Maybe I can give the Board some information. On the 15th of October, following Lou's modification of the plan as a result of the work session, the Fire Inspector's office had approved the plan so they have accepted Lou's revisions as addressing this concern.

MR. SCHIEFER: On the 15th of October, I have got their approval on the 12th of October. Wait a minute, I'm sorry, you are right. I am reading it wrong, you are right. Thank you. There is one disapproval here is sewer.

MR. GREVAS: Right.

MR. SCHIEFER: Explain that please.

MR. GREVAS: Since there are existing buildings on the site, we are unable to tell exactly and these go back into the 60's, when Schoonmaker Homes was in here, we don't know exactly where the existing sewer laterals are and it's going to take quite a bit of investigation to find out what ones are useable and going to be relocated and replaced. We haven't gotten down to the final details which will show up on the final site plan.

MR. SCHIEFER: There will be no approval this evening. Other questions from the Board?

MR. DUBALDI: At one time, we were going to use eight of the parking spaces from DOT, has that been eliminated?

MR. GREVAS: Yes, to get back to that for a minute, as you remember, your ordinance does not permit off-site parking.

MR. DUBALDI: That is right.

MR. GREVAS: I had a discussion with the Supervisor and suggested the possibility of forming a central business district type of situation where that could be done. However, that takes some time to do. So, in the meantime, what we have done is we have shown instead of a 75% number here for retail space, we have shown 72% and shown the parking on-site and as I pointed out earlier, in the event a restaurant moves into one of these spaces and they are assigned a certain number of spaces, we'll probably need that off-site so we can continue and can discuss that with the town.

MR. DUBALDI: Hypothetically, if we were to approve it and the last business moved in, they wouldn't have enough parking spaces.

MR. GREVAS: No, it depends on what comes in there. There are some businesses that don't approach the 72%, depends on what they do, warehouse storage space.

MR. DUBALDI: Depends on the type of business that goes in there?

MR. GREVAS: Correct.

MR. SCHIEFER: Restaurant moves in, he doesn't have enough space. Any other questions from the Board?

MR. PAGANO: I am still troubled with the center island. I don't understand why every place I go, parking is not permitted in front of stores and why all of a sudden this here seems to be like something different that we have been, you know, slapped across the wrist, not reprimanded but it's been instilled upon us for no parking in front of stores and so forth. If you look at the Newburgh Mall, the Sears, they all have, you know, yellow lined off especially something like that and now we are coming

across this and I foresee the possibility of Fire Department saying that they want no parking there then we are going to have a parking problem.

MR. DUBALDI: How do you foresee that?

MR. MC CARVILLE: Fire Department approved it.

MR. PAGANO: I know they approved it. I want to hear from the Fire Department over again why they approved this. I just don't buy it.

MR. EDSALL: I don't want to comment on the plusses and minusses on parking directly in front of a building. The reason why the Fire Inspector in this specific case had no problem, it's my understanding because it's a single story structure and they have access to the, to both sides and the type of construction that is being considered. Bobby looks at it on a case by case basis. As to what type of use, what type of access, one side, two sides, type of construction and the height of the building.

MR. SCHIEFER: What is the type of construction?

MR. GREVAS: Masonry.

MR. EDSALL: I know Bob takes all those things into consideration at the work session. I don't want to speak for him. I know that is what he looks at when he meets with these people.

MR. SCHIEFER: We are not going to approve this tonight, John, I think it would be a good idea if you contact Bob and talk to him.

MR. PAGANO: I will take it upon myself to speak to him. It goes against all teachings that we have been taught and if that is going to be the case, then I want to know why we are being taught one way and suddenly he's approving a different way.

MR. SCHIEFER: I personally look forward to your getting an answer. I know we have approvals but I'd like to see why.

MR. LANDER: Lou, sidewalks in front of the stores, it's only 5 foot, are we going to use the sidewalks as curb also or are you going to have bumper blocks to keep the overhang off the sidewalks?

MR. GREVAS: Put the bumper blocks to keep the overhand off. We show that on the parking detail.

MR. PAGANO: Are we going to compress that aisle?

MR. GREVAS: This space is 20 feet deep and 10 feet wide because

that is what the town's requirement is. The bumper does not increase the space back. If the space is properly designed and it's designed at 20 feet most spaces in some of the newer places are 9 by 18, that is what size they are out in front of the Town Hall, 9 by 18, these are 10 by 20.

MR. SCHIEFER: The immediate comment sure looks different than what is there now.

MR. GREVAS: I think that is the whole idea, folks.

MR. MC CARVILLE: As you notice none of the sketches show bumper blocks. The things are hideous, they are dangerous, they are tripped over, they are plowed under snow, they are run over, they collect litter and they are unsightly. I strongly recommend that the plan be changed to reflect a standard curb with a paved area.

MR. LANDER: Extend the sidewalk.

MR. PAGANO: Eight (8) foot sidewalk instead of 5 foot sidewalk, 8 foot sidewalk wouldn't change the parking.

MR. EDSALL: Yes, because then you are encroaching on the parking space.

MR. SOUKUP: What is the minimum road width behind the parking space?

MR. EDSALL: You've got to have 24 foot by town ordinance and you have to have 10 by 20 by town ordinance.

MR. SOUKUP: Shave the aisle a little bit.

MR. GREVAS: That is a possibility, as I said earlier, not only are these walkways, some of these sidewalks may be reoriented anyways so that will, I have made a note to look into that.

MR. SCHIEFER: Any other questions from the Board? I am going to ask you to refrain from the Board members to refrain while the public has had their say unless you are responding to a specific question. Otherwise, we are going to get what we had, both of them, any questions from the public audience? If there are, I'd appreciate your identifying yourself by name and address. No questions, that is simple. Okay, I will close the public portion of the public hearing.

MR. SOUKUP: There is a couple of things I'd like to recommend to the applicant. On the right hand side over by Primavera's got about 83 to 90 foot wide, the parking lot area. You only need 62 or 65. I'd like to see that shrunk down, eliminate the blacktop and put landscaping or planting on each side. You

have a 10 foot strip on each side. You don't need all that blacktop there.

MR. GREVAS: If you will notice on the alternate plan, we provided for an existing 10 foot wide right-of-way for Primavera in this plan, this shows relocation of that easement into the center here and the idea again with the parking being available to Primavera and to Angelo's Pizza, it was felt we should put those parking spaces closer to them. Your point is well taken because this aisle space is quite wide.

MR. SOUKUP: I'd like to see it 24, 20 and 20, whether you show the easement or provide--I'd like to see the blacktop area at a minimum in there. I can't see any reason to pave the extra width when you can put landscaping. The other area in the front right corner, we have a one way entrance, you have a very large open paved area between the entrance and the building which entertains the problem of people parking in the wrong places at the wrong time. I am suggesting that the parking be angled up towards the back of the building and put a whole triangular area in there down to the right a little further, that whole triangular area could be made a planted area instead of paving, just by squaring it off and aiming the parking up at the roadway.

MR. GREVAS: One of the problems we have here, when the State put this island in, you will notice the property lines split, the reason for that is because of the access back to Angelo's Pizza building. This area right here is basically in common use. That is why I made this an entry here but I have to stay away from anything in front of this but--

MR. SOUKUP: Still knock out a big hunk of paving and put in a hunk of landscaping and reduce the open, loose area that people are going to park in without showing any spaces on it. The same thing for the lower right hand corner of building D where you have an angle cut, you can put a planted island on a curved radius in there and eliminate some of that open space too, the more open space you leave, the more people are going to park where they are not supposed to.

MR. SCHIEFER: Like they are doing now.

MR. SOUKUP: In the front entrance, I would recommend some traffic islands on each side there too to maintain some traffic control.

MR. GREVAS: Similar to this?

MR. SOUKUP: Yes, smaller but similar in nature.

MR. PAGANO: You brought up a point next to Angelo's there this area here, this is vacant land in here. And we are going to have parking coming down here, it's going to be like an

island all unto itself, it's going to be, cars will come in here into a no man's land.

MR. SOUKUP: They are not in front of us.

MR. PAGANO: We are going to put a 10 foot planter here.

MR. SOUKUP: In the back of the building, it will come back to the back of the building or isolate it.

MR. PAGANO: We are going to have to designate this as parking or a car will tend to go right through. So, that is designated parking. I think it will help channelize that whole area and not leave it quite so open or loose.

MR. GREVAS: This corner right here I am concerned about because I have a 35 foot space here with my larger vehicles for example, the garbage truck to get back to here coming through that is why I cut this corner off, that is why I didn't put an island here, same reason I cut this island back for the Fire Department. I am concerned about a large vehicle making this radius.

MR. SOUKUP: They should come in down by Angelo's around the back if they can make the turn, exiting the left, they can make the turn in on the right. You have a square corner on the building over on the left down in front. If they can make that corner, they can make the other one.

MR. PAGANO: What are you going to decorate in the back there, the back delivery area back there?

MR. GREVAS: Again, the architect and the owner and I have been discussing that. I depends on how this comes out with the State and the parking and how we orient the store fronts. I don't think that we are going to have a two sided building because it doesn't work with storage and retail space but the treatment on the back will not be just plain block.

MR. PAGANO: Like a doctor's office or legal office for that other parking lot, that is a great entrance right in through the municipal parking there. That would be great other than making it just a plain blank wall with nothing there. Lights, lighting?

MR. SOUKUP: In back of the buildings B and C and D, B and C are going to be seen right over the parking lot from Temple Hill Road and the back of C and D are going to be seen over the new parking lot from DOT so I suggest we bring to the applicant's attention the same concern that the back of the building be equal in nature to the front of the building when it's visible. Not glass but similiar in texture and material but not unpainted block and raw metal.

10-24-90

MR. SCHIEFER: Before I close the public hearing, I will go back to the public. You have heard some more comments. Do you have any input or questions? If not, we will close the public hearing.



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

- ☐ Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ Branch Office  
400 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

**PLANNING BOARD WORK SESSION**  
**RECORD OF APPEARANCE**

TOWN/VILLAGE OF New Windsor P/B # 90-14

WORK SESSION DATE: 4 AUG '92 APPLICANT RESUB.  
REQUIRED: Not Now

REAPPEARANCE AT W/S REQUESTED: after next mtg

PROJECT NAME: Korngold - SP

PROJECT STATUS: NEW \_\_\_\_\_ OLD X

REPRESENTATIVE PRESENT: Terry A / Bill H /

MUNIC REPS PRESENT: BLDG INSP. @mtg  
FIRE INSP. Bob  
ENGINEER X  
PLANNER \_\_\_\_\_  
P/B CHMN. \_\_\_\_\_  
OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

+ decision re no need for P/H  $\frac{1}{2}$  verify  
+ ck # of spaces

Set up for  
discussion on  
next mtg





McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

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**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN/VILLAGE OF New Windsor P/B # 90 - 14  
WORK SESSION DATE: 13 Feb 1992 APPLICANT RESUB.  
REAPPEARANCE AT W/S REQUESTED: (YES) REQUIRED: Probably  
PROJECT NAME: Korn Gold  
PROJECT STATUS: NEW \_\_\_\_\_ OLD X  
REPRESENTATIVE PRESENT: WBH/Phil Cuthy  
MUNIC REPS PRESENT: BLDG INSP. Jury Duty  
FIRE INSP. Ed  
ENGINEER X  
PLANNER \_\_\_\_\_  
P/B CHMN. \_\_\_\_\_  
OTHER (Specify) \_\_\_\_\_

sign (7) add except  
deliveries

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Phasing → looks good  
Color coded Site Lighting Plan

- Restaurant must be included  
in Pkg calc. for final.

Utilities etc completed as rec, regardless  
of phasing -  
9/8/8 in

old comm from 10/24/90 1) wheel stops  
2) Rt 32 land scaping  
3) 8/8/8  
4) back/front finished

WM-12"  
Sprinkler  
- OGDH

cond of  
app

sewer comm to  
Jan 10

4MJE91 pbwsform

ANDREW S. KRIEGER  
ATTORNEY AT LAW  
219 QUASSAICK AVENUE  
SQUIRE SHOPPING CENTER, SUITE 3  
NEW WINDSOR, NEW YORK 12553  
  
(914) 562-2333

April 22, 1991

Elias D. Grevas, L.S.  
Grevas & Hildreth, L.S., P.C.  
33 Quassaick Avenue  
New Windsor, New York 21553

Re: Louis Korngold Site Plan, Vails Gate  
Developer's Agreement

Dear Mr. Grevas:

In response to your letter of April 12, 1991, I have reviewed the objections of Dr. Korngold's contractor. I note that this individual is not an attorney, professional engineer or licensed surveyor; that he appears to hold no professional licenses and that he does not appear to be authorized to represent Dr. Korngold before the Planning Board by filed proxy. Nevertheless, I assume that this person's letter was reviewed by Dr. Korngold and represents or is designed to represent Dr. Korngold's personal objections.

To avoid future confusion, I am suggesting to the Planning Board that Dr. Korngold be personally present to speak for himself on every occasion in which any application in which he has an interest is considered. I am sorry if these personal appearances would inconvenience the doctor, but I feel it is absolutely necessary for him to speak for himself in order to avoid any future misunderstandings which are created when surrogates make representations for the doctor which he apparently later seeks to question or withdraw.

With respect to the details of the proposed agreement: FIRST, all the provisions (including those objected to by Dr. Korngold's contractor) were carefully considered before they were included in the agreement. SECOND, I believe that each of these provisions are absolutely necessary in order to protect the People of the Town of New Windsor. THIRD, these provisions were designed to memorialize what I believed to be Dr. Korngold's promises and representations. If the agreement does accurately reflect the doctor's commitments, then I fail to see why he would have any problem with putting these commitments in writing and signing them. If the agreement does not accurately reflect his commitments, then I invite him to apply to appear

Elias D. Grevas, L.S.

-2-

April 22, 1991

before the Planning Board in a discussion to explain exactly to what he is willing to commit himself.

Unless instructed by the entire Board to the contrary, I will insist on those provisions to which Dr. Korngold's contractor objects.

Sincerely,

ANDREW S. KRIEGER

ASK:mmt

**& Grevas**  
**Hildreth, P.C.** LAND SURVEYORS  
33 QUASSACK AVENUE, NEW WINDSOR, NEW YORK 12553  
TELEPHONE: (914) 562-8667

LAND SURVEYS  
SUBDIVISIONS

SITE PLANNING  
LOCATION SURVEYS

12 April 1991

Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, NY 12553

Att: Mr. Carl Schiefer, Chairman

SUBJECT: LOUIS KORNGOLD SITE PLAN, VAILS GATE;  
DEVELOPER'S AGREEMENT

Dear Mr. Schiefer:

Enclosed is a copy of a letter dated 22 March 1991, addressed to our offices, from Mr. Allerton of Fred L. Holt, Inc., Dr. Korngold's construction representative for this project.

Mr. Allerton has raised some questions concerning the proposed Agreement, particularly the timing of the issuance of the building permit vs. the demolition of the existing buildings on site. In subsequent telephone conversations with Mr. Allerton, he has reiterated his concern that project financing might be difficult, if not impossible, to obtain without a building permit. He has indicated, however, that it does not change the commitment that the existing buildings will be demolished prior to construction of new buildings.

Our purpose in forwarding his letter to you is to inform you of his comments and concerns prior to our next appearance before the Board, in the hope that the Developer's Agreement can be finalized before then. The Board may wish to discuss this item at its meeting of 24 April 1991, without a "formal" appearance by either this office or Mr. Allerton. If, however, the Board feels the need for us to be there (at any meeting) we will make ourselves available.

We are forwarding copies of this and Mr. Allerton's letter to your attorney, engineer and the building inspector for their comments. Please advise us, as indicated above, whether or not another meeting will be required to discuss this matter prior to our appearance to request Final Approval.

Very truly yours,

*Elias D. Grevas* *EDG*

Elias D. Grevas, L.S.

encl/as

EDG/cmg

cc Andrew Krieger, Esq.  
Mark J. Edsall, P.E.  
Michael Babcock, Building Inspector  
Terry Allerton  
Louis Korngold, MD

# FRED L. HOLT INC.

CONTRACTORS

50 E. Washington Ave., Pearl River, NY 10965

(914) 735-4054

Fax No. (914) 735-4570

77 Jefferson Ave., Westwood, NJ 07675

(201) 670-6979

RECEIVED MAR 25 1991

March 22, 1991

GREVAS AND HILDRETH  
33 Quassaick Avenue  
New Windsor, NY 12550

Gentlemen:

In reviewing the developer's agreement I have the following comments. In general I am confused by the intent of the agreement to cover issues that are already state, city, and/or local requirements. The intent to reiterate such issues are confusing.

On items more specific, it should be noted that Dr. Korngold is not personally guaranteeing this agreement. However, we are in agreement that the company that owns and/or controls this retail center is absolutely bound by this agreement as is their heirs, successors and assigns and shall run with the land described herein, is acceptable.

Also, it should be noted that the owner, successors, etc., are not relinquishing their rights to change or modify this site as long as it is legal, within the state and town of New Windsor rules, regulations, laws, etc.

Under item 5a, we cannot accept the position that all demolition to existing buildings must be completed prior to the issuance of any building permit. We would be in agreement that part of the building permit requirements would include the demolitions of all existing buildings and are mandatory. The reason is the risk of lag time between demolition and the issuance of a building permit. Also, lending institutions may have requirements that commitment letters cannot be met without issuance of a legal building permit.

Under item 7, we cannot accept a position where we waive our rights to contest in court our interpretation of this agreement. We cannot agree with item 8 which is to reimburse the town of Windsor for its counsel fees to defend any dispute at their discretion.

Page 2

Under item 10, we agree that if it is the town of Windsor's standard procedure for obtaining building permits, that all parties in the town of Windsor are required to put up such bonds as mentioned in item 10, then we would agree. However, we feel this is not standard for the industry and take exception to it.

In closing, my comments are that this document was to be designed to be fair to both parties. Even though we agreed to pay for the legal fees to draft this document, we agreed to pay such legal fees with the assumption that the document would not be so one sided. Also, I bring to your attention that we are not asking for any variances with regards to this property and to the best of our knowledge the site plan presented is within all town requirements and the developers agreement was agreed upon for the sake of cooperation, etc.

I would look forward to your timely responses.

Best regards,



Terry Allerton  
Vice President

TA/bsh

cc: Dr. Lou Korngold

Items for Developer's Agreement

Developer Agrees to:

1. Demolish all existing buildings on the site prior to request for first Building Permit;  
a) Demolition Permit Required.
2. Provide ingress/egress easements if and as required to provide traffic flow through site by public frequenting adjoining stores;
3. Construct all improvements as shown on the Approved Site Plan, in a manner consistent with all applicable Ordinances;
4. Coordinate with the N.Y.S.D.O.T. and the Town of New Windsor with respect to the adjoining State/Town Parking lot.
5. Request Certificates of Occupancy only after sufficient parking and access is available to any individual building, in the event of phased construction.

The Town of New Windsor agrees to:

1. Grant an "allowance" of parking spaces in the adjoining State/Town Parking Lot for the Subject Site;
2. Assist in coordination with the adjoining business owners with respect to ingress/egress and parking lot access and travel through the Site;



## AGREEMENT

THIS AGREEMENT, made this       day of       , 1991 by and between LOUIS KORNGOLD, M.D. an individual, residing at 135 Strawtown Road, in the Town of West Nyack, County of Rockland, State of New York, (hereinafter known as KORNGOLD ) and and the Town of New Windsor, a Municipal Corporation of the State of New York, by its Planning Board (hereinafter known as BOARD).

### WITNESSETH:

WHEREAS, KORNGOLD has applied to the BOARD for approval of a Site Plan for development of lands on the East Side of Temple Hill Road approximately 250 feet North of the intersection of Routes 32, 94 and 300 which property is described on the Tax Map of the Town of New Windsor as Section 69, Block 2, Lots 2 and 12, and

WHEREAS, the approval of said Site Plan by the BOARD is conditional upon and subject to the accuracy of representations made by KORNGOLD to the BOARD, the fulfillment of promises made by KORNGOLD to the BOARD, and by ones made herein by the Town of New Windsor to KORNGOLD and the performance by KORNGOLD of certain obligations placed upon him as set forth in this agreement, and

WHEREAS, it is intended by the parties hereto and by this Agreement its provisions are hereby made and become a title encumbrance which shall bind KORNGOLD, his heirs, successors and assigns, and shall run with the land described herein, and

WHEREAS, the parties hereto wish to memorialize the promises and representations of KORNGOLD made in consideration of granting approval of the aforesaid Site Plan.

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained, the parties hereto for themselves, their heirs, successors and assigns do mutually agree as follows:

1. KORNGOLD and BOARD, for themselves, their successors and assigns, agree to use the premises only in accordance with this agreement, unless any of the same may be modified by the Planning Board of the Town of New Windsor, or the Town Board of the Town of New Windsor and in accordance with the Zoning Ordinance of the Town of New Windsor and all other applicable statutes, laws, rules and regulations.

2. KORNGOLD and BOARD agree to construct the improvements including, but not limited to, buildings, water lines, sewer lines, storm drainage, curbing, paving, driveways, lighting, lamp posts and luminaries, signs, landscaping and buffers, as shown in the aforesaid Site Plan and this Agreement. No other improvements shall be constructed or maintained at the premises other than in accordance with the approved Site Plan and this Agreement, unless approved by the Planning Board of the Town of New Windsor or the Town Board of the Town of New Windsor, where applicable. The premises shall only be used in accordance with the application documents, this Agreement, the approved Site Plan and the Zoning Ordinance of the Town of New Windsor, as the same is presently constituted or may be amended from time to time.

3. No Certificate of Occupancy will be issued until the project as built fully complies with the Site Plan, with any amendments thereto as approved by the BOARD and the provisions of this Agreement.

4. KORNGOLD shall remain responsible for maintaining the Site referred to herein in a safe and proper manner and in compliance with the Site Plan, any amendments thereto and the provisions of this Agreement. The aforesaid responsibilities shall survive and not be merged in any Site Plan approval, amendment or any other document proceeding agreement or contract in connection with the subject matter of this Agreement and said responsibilities shall continue as long as KORNGOLD shall be the owner in whole or in part of all or any portions of the lands which are the subject of this Agreement.

5. KORNGOLD will complete all improvements, construction, demolition, site work, ground preparation or work of whatsoever kind in connection with this site contained in the Site Plan any amendments thereto and in this Agreement in a good and workmanlike manner specifically and without limiting in any way any other requirements or responsibilities of KORNGOLD, KORNGOLD agrees and covenants to perform the following items:

a. Demolish all existing buildings on the site and clean all debris prior to the issuance of any Building Permit;

b. Provide ingress and or egress easements if and as required to effect the traffic flow through the site by others using adjoining stores.

c. Construct all improvements as shown on the approved Site Plan in a manner consistent with all applicable ordinances, rules and regulations of the United States, State of New York, County of Orange and Town of New Windsor.

d. Use his best efforts to coordinate with the Town of New Windsor and the New York State Department of

Transportation to effect the use of the adjoining State and/or Town of New Windsor parking lot in order to maximize its use by those parties and the businesses and property owners of adjoining and nearby properties.

e. Request Certificates of Occupancy only after sufficient paved parking and access is available to any individual building according to the approved Site Plan and to the schedule attached hereto and made a part hereof as Exhibit "A".

6. BOARD and the Town of New Windsor agree to use their good offices and influence to assist KORNGOLD in coordinating ingress and/or egress from the site which is the subject of this Agreement and access to the parking lot on that site and to any State or local public parking lot which is adjacent to the site, and for travel onto or through the site. This provision shall not be interpreted to require the BOARD or the Town of New Windsor to do or refrain from doing any specific act or to incur any cost or to commence or defend any action at law or in equity in any Court whether that Court be Federal, State, County or Local and wheresoever any such Court may be situate. This paragraph also shall not be interpreted to act in any way in whole or in part as a waiver of or exception to the requirements of any Federal, State, Orange County or Local Laws, rules, ordinances, statutes or regulations.

7. KORNGOLD by executing this Agreement waives any right to contest in any Court any rule, regulation or provision in effect as of the date of the signing of this Agreement or any present ordinance of the Town of New Windsor, exclusive of any interpretation thereof. KORNGOLD also agrees to bear the reasonable cost of defending any litigation instituted by third persons against the Town of New Windsor or BOARD, challenging this Agreement or municipal approvals represented by this Agreement. Upon institution of any such lawsuit, KORNGOLD shall post a cash escrow sufficient to cover the cost of such litigation.

8. Should it be necessary for the Town of New Windsor or the BOARD to institute an action to enforce the terms of this Agreement or of any ordinance or of any condition or approval heretofore or hereafter granted to KORNGOLD in connection herewith, the Town of New Windsor or the BOARD as the case may be shall be entitled to recover its reasonable counsel fees and costs in connection therewith.

9. This Agreement shall be binding upon the heirs, successors and assigns of the respective parties hereto.

10. KORNGOLD shall post two (2) bonds or other security reasonably satisfactory to the BOARD or the Town of New Windsor or its consultants, for the purpose of insuring satisfactory compliance with the landscape maintenance and general maintenance obligations herein or in the approved Site Plan. Any interest or other type of earnings which may accrue in connection with said

bonds or other security shall be returned to or be made available to KORNGOLD thirty (30) days after the yearly anniversary of the posting of any such security unless the Town shall make a claim against such security. The amount of the landscaping maintenance bond is fixed at \$ \_\_\_\_\_; the amount of the general maintenance bond is fixed at \$ \_\_\_\_\_. At the expiration of two years from the issuance of the first Certificate of Occupancy, the landscaping maintenance bond shall be released, unless any claim shall have been previously made by the Town against such bond, in which event the bond shall not be released until any such claim shall have been finally determined or adjudicated. Notwithstanding the foregoing, the general maintenance bond shall also secure the satisfactory performance of the landscaping obligations of KORNGOLD when and if the landscaping bond shall have been released.

-----  
LOUIS KORNGOLD, M.D.

-----  
TOWN OF NEW WINDSOR AND  
TOWN OF NEW WINDSOR PLANNING BOARD  
BY: Carl B. Scheifer,  
Chairman of the Planning Board

STATE OF NEW YORK     )  
                                  SS.:  
COUNTY OF ROCKLAND    )

LOUIS KORNGOLD, M.D. being sworn says: I am the individual named herein and I have read the annexed AGREEMENT and know the contents thereof and the same is true to my knowledge.

-----  
LOUIS KORNGOLD, M.D.

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_. 1991

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK     )  
                                  SS.:  
COUNTY OF ORANGE     )

CARL B. SCHEIFER, being sworn says: I am the Chairman of the Town of New Windsor Planning Board, a Municipal Corporation and I have read the annexed AGREEMENT and know the contents thereof and the same is true to my knowledge.

-----  
CARL B. SCHEIFER

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 1991.

\_\_\_\_\_  
Notary Public

ANDREW S. KRIEGER  
ATTORNEY AT LAW  
219 QUASSAICK AVENUE  
SQUIRE SHOPPING CENTER, SUITE 3  
NEW WINDSOR, NEW YORK 12553  
  
(914) 562-2333

May 31, 1991

Fred L. Holt, Inc.  
50 E. Washington Avenue  
Pearl River, New York 10965

Attn: Terry Allerton, Vice President

Re: Dr. Korngold, Developer's Agreement

Dear Mr. Allerton:

In response to your letter of May 29, 1991, I enclose an additional copy of my letter dated April 22, 1991 addressed to Mr. Grevas. In summary of that letter, the portions of the proposed agreement to which you object were placed in that proposed agreement for specific reasons. Further, I have spoken to the Planning Board on this matter and it agrees with my insistence on the inclusion of those items as well as my reasons therefor.

In summary, the Planning Board will not agree to change those provisions of the agreement to which you have previously objected.

Once again, I must inform you that you have no legal standing with respect to this matter. Any applicant may represent himself before the Planning Board. If that applicant is to be represented by another person, firm or entity, that person, firm or entity must have filed with the New Windsor Planning Board a proxy. The file of the New Windsor Planning Board on this matter discloses no filed proxy for either yourself or Fred L. Holt, Inc. For these reasons, I suggest that if you wish to represent Dr. Korngold in this matter, you file a proxy. Otherwise, I suggest that Dr. Korngold himself or the firm of Grevas and Hildredth make any further objection or comment in this matter.

The fee on the bill sent to Dr. Korngold was based upon the time and effort necessary to draft the Developer's Agreement

May 31, 1991

and on the assumption that that Agreement would be executed. If Dr. Korngold wishes to engage in protracted disputes over this matter he may expect to receive an additional bill for the time and effort necessary in connection with that dispute. In short, the fee previously billed of \$250.00 is not a set fee and does not give Dr. Korngold carte blanche to quibble unless Dr. Korngold is prepared to pay for that quibbling.

Lastly, if Dr. Korngold wishes to raise some objection or speak with the Planning Board in connection with this Developer's Agreement, I suggest he make an appointment to be placed on the agenda to do so. Further, I suggest that he so so in person.

Sincerely,

ANDREW S. KRIEGER

ASK:mmt

Encl.

cc: Carl Scheifer, Chairman  
Town of New Windsor Planning Board

Grevas & Hildredth



MARY McPHILLIPS  
County Executive

90-14

Department of Planning  
& Development

124 Main Street  
Goshen, New York 10924  
(914) 294-5151

PETER GARRISON Commissioner  
VINCENT HAMMOND Deputy Commissioner

ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT  
239 L, M or N Report

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by Town of New Windsor

D P & D Reference No. NWT 6 91 M

County I.D. No. 69 / 2 / 2,12

Applicant Louis Korngold

Proposed Action: Site Plan Review - Retail stores -

State, County, Inter-Municipal Basis for 239 Review Within 500' of NYS Rte. 300

Comments: There are no significant intercommunity or Countywide concerns to bring to your attention.

Related Reviews and Permits \_\_\_\_\_

County Action: Local Determination XX Disapproved \_\_\_\_\_ Approved \_\_\_\_\_

Approved subject to the following modifications and/or conditions: \_\_\_\_\_

3/7/91

Date

CC: M.E. ✓

*B. Vincent Hammond*  
Deputy Commissioner



KORNG.PB

**INTER OFFICE CORRESPONDENCE**

**TO:** Town Planning Board

**FROM:** Town Fire Inspector

**DATE:** 19 February 1991

**SUBJECT:** Louis Korngold, Site Plan

**PLANNING BOARD REFERENCE NUMBER:** PB-90-14

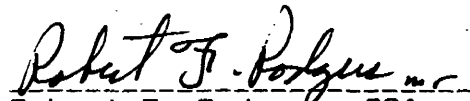
**DATED:** 12 February 1991

**FIRE PREVENTION REFERENCE NUMBER:** FPS-91-012

A review of the above referenced site plan was conducted on 19 February 1991.

This site plan is acceptable.

**PLANS DATED:** 5 February 1991; Revision 5.

  
Robert F. Rodgers; CCA  
Fire Inspector

RR:mr  
Att.

✓  
CC: M.E.

90- 14

FEB 12 1991

Rev 5

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, ~~SANITARY INSP.~~,  
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval ☒

Subdivision \_\_\_\_\_ as submitted by  
Grevas & Hildreth for the building or subdivision of  
Louis Kormgold has been  
reviewed by me and is approved \_\_\_\_\_

disapproved ☒ \_\_\_\_\_

If disapproved, please list reason \_\_\_\_\_

Because of Elevations, the connection to the main  
Sewer line should be determined before construction

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

\_\_\_\_\_  
WATER SUPERINTENDENT

Summit D. Masten  
\_\_\_\_\_  
SANITARY SUPERINTENDENT

Feb. 20, 1991  
\_\_\_\_\_  
DATE

✓  
CC: M.E.

2-14-91

90-14

FEB 12 1991

Rev. 5

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.,  
D.O.T., O.C.H., O.C.P., D.P.W., ~~WATER~~, SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval \_\_\_\_\_

subdivision \_\_\_\_\_ as submitted by

Greus & Hildreth for the building or subdivision of  
Louis Kargold \_\_\_\_\_ has been

reviewed by me and is approved ☒

~~disapproved~~ \_\_\_\_\_

~~If disapproved~~, please list reason \_\_\_\_\_

Notify water dept. if water service lines  
to be located.

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

John D. D.  
WATER SUPERINTENDENT

\_\_\_\_\_  
SANITARY SUPERINTENDENT

\_\_\_\_\_  
DATE

✓  
CC: M.E.

ORANGE COUNTY DEPARTMENT OF PLANNING  
APPLICATION FOR MANDATORY COUNTY REVIEW  
OF LOCAL PLANNING ACTION

(Variances, Zone Changes, Special Permits, Subdivisions, Site Plans)

Local File No. 90-14

1. Municipality TOWN OF NEW WINDSOR Public Hearing Date \_\_\_\_\_

☐ City, Town or Village Board ☒ Planning Board ☐ Zoning Board

2. Owner: Name Louis Korngold, M.D.

Address 135 Strawtown Rd. - West Nyack, NY

3. Applicant\*: Name \_\_\_\_\_

Address \_\_\_\_\_

\* If Applicant is owner, leave blank

4. Location of Site: East Side of Rt. 300 (250' North of Rts. 94 & 32)  
(street or highway, plus nearest intersection)

Tax Map Identification: Section 69 Block 2 Lot 2 & 12

Present Zoning District C Size of Parcel 3.12 ±

5. Type of Review:

Special Permit: \_\_\_\_\_

Variance: Use \_\_\_\_\_

Area \_\_\_\_\_

Zone Change: From \_\_\_\_\_ To \_\_\_\_\_

Zoning Amendment: To Section \_\_\_\_\_

Subdivision: Number of Lots/Units \_\_\_\_\_

Site Plan: Use Retail Stores

2/14/91  
Date

Mypa Mason, Secy for the Planning Board  
Signature and Title

## KORNGOLD, LOUIS SITE PLAN:

Elias Grevas, L.S. came before the Board presenting this proposal.

BY MR. GREVAS: Since the last time we were before the Board with this submittal, there have been some changes made and some discussions held with the Town concerning some of the adjoining properties to this project. The first and foremost is that the impending construction on 32 is going to make some of the existing businesses a little short on parking, even though the state is showing a parking lot in a parcel acquired from our client here on one of the adjoining parcels. In a meeting held with the Supervisor and the Town Attorney and the developer, some agreements were reached. Number one, that all of the existing buildings would be taken down as part of the site plan. In other words, it wouldn't be phased in and so forth. Those buildings would be down before the thing started. The main point of the discussion was the access to the site and the parking requirements for the entire area, not just this project. Some of it centered about the driveway and parking lot off to the southeast towards Route 32 between Primavera's and Angelo's Pizza. This driveway we had shown as being blocked off because we felt that the proximity to the intersection would not permit us to get a permit to have an entrance there. Supervisor though says that he feels that the entrance should be here for right turn in only, right turn out only, no cross traffic to better serve the adjoining properties. There is an easement along that parking lot that is in favor of the Primavera's. It is an existing ten foot width right of way to get from 32 to the back of the property for loading purposes. Due to the driveway immediately adjacent to this, I went to see the Primavera's to find out if we could relocate this right of way in this location, so I have shown the two alternates here. This is strictly an alternate situation, the Primavera's already have this right of way and if they agree to move it to this point, that is fine, but there is not too much we can do about it. That is a legal entity that they have retained.

BY MR. VANLEEUEWEN: In other words, you are just

leaving him the ten foot between his buildings?  
Is that what you are doing?

BY MR. GREVAS: No, no, he already owns this,  
Primavera already has a ten foot right of way, that  
is correct.

BY MR. VANLEEUEWEN: He can't get a tractor trailer  
in there.

BY MR. GREVAS: He does now.

BY MR. VANLEEUEWEN: It is only ten feet?

BY MR. GREVAS: Yes. Anyhow, to get back to what  
it is here, what we are trying to do is make the  
traffic flow better and also, as part of the  
agreement, the applicant has agreed to provide  
access to this site through the Primavera property,  
the Caccico property and the parking lot that is  
being created by the State. Then the Town would  
expand this parking lot and have an entrance coming  
in onto the driveway so the traffic could come  
through the site out onto Old Temple Hill which is  
also going to have a traffic signal and out onto  
32. As I say, this is all agreed upon at that  
meeting as part of this whole picture for the  
entire intersection. In laying it out we have come  
up with a parking count that uses part of this lot  
which we understand we will be permitted to use by  
the town as an off site parking site. As it stands  
right now, the count we need eight spaces in this  
particular lot. But this is under the realization  
that all of these properties will have access  
through the site, they will be able by having  
access to our southeasterly boundary to have  
parking on their own sites and also to have loading  
and possibly even consider changing their spaces,  
but that is strictly up to them.

BY MR. VANLEEUEWEN: What are these buildings going  
to look like?

BY MR. GREVAS: That would come once we decide on  
this concept. I must say that I have changed the  
sideyards here. I am hoping that that town  
requirement goes through. If not, then I am going  
to be limited to four inches per foot for the 35  
feet for the building height but at any rate, right

now we conform to the zoning for the setback of the buildings. We are eight spaces off site in the town parking lot and if the Planning Board agrees to that concept, then we will come back to you with the final plans, site grading and drainage and elevation of the buildings.

BY MR. SCHIEFER: There is no legal problem with off site parking in a town lot?

BY MR. VANLEEUEWEN: He's not using it in his count.

BY MR. SCHIEFER: Yes, he is using it in his count.

BY MR. GREVAS: My understanding is that this lot is to be constructed by the State and maintained by the town.

BY MR. VANLEEUEWEN: That part of it is correct. I do know that because Ernie and I originally sat in on that Route 32 improvement committee highway.

BY MR. SCHIEFER: What part is correct?

BY MR. VANLEEUEWEN: The State is going to construct, the town is going to maintain.

BY MR. SCHIEFER: The issue is can he have off site parking in that lot part of his count?

BY MR. VANLEEUEWEN: Are you taking, Lou are you taking all these spaces in consideration with your parking?

BY MR. MCCARVILLE: No, eight of them.

BY MR. DUBALDI: What happens in the future if that parking lot is taken out for whatever reason? If you use that in your count --

BY MR. SCHIEFER: Can't take that out.

BY MR. MCCARVILLE: Build high rise parking.

BY MR. SOUKUP: You can't sign a lease to guarantee those spaces will be there forever. You can't approve the map if it doesn't show the spaces for the building on the parcel without a variance or something.

BY MR. GREVAS: I don't know about that. I think that if we were out onto the street for example, out on here and this was off site on street parking permitted along the street, we'd be able to count that.

BY MR. SOUKUP: That is only in Cornwall where you have a C.B.D. ordinance. They have a central business district.

BY MR. GREVAS: I don't know if that is exactly true, but I'd like to have that researched. This is part of, as I say, the idea here is to combine all of the existing businesses in the Vails Gate area into this new set up so that nobody suffers from the loss of the parking due to the reconstruction on 32. And that is --

BY MR. SCHIEFER: I think it's, the idea is good but I want to check out the legality of it.

BY MR. SOUKUP: In Cornwall, they have the same problem and their solution there and I am not saying it is right for here, they defined an area and they said those lots in that area could take credit for so many on street parking spaces based on a central business district parking area. That ordinance doesn't exist in the Town of New Windsor and I don't believe under the zoning as it is right now unless the lot provides the parking for that building, the Board can consider it.

BY MR. SCHIEFER: I wanted to ask our attorney to research that, get us a legal answer.

BY MR. MCCARVILLE: We can send it to the Zoning Board of Appeals and go for a variance of the eight spaces.

BY MR. SCHIEFER: He can go for a variance but I am trying to find out does he need it. Do you want to take that?

BY MR. GREVAS: I'd rather not. Our conversation with the supervisor and the Town Attorney, he thought that that was a very possible thing to do. Now, whether it has to be done by a resolution by the Town Board or what it is, I don't know, but Mr.



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Seaman said --

BY MR. MCCARVILLE: Let Andy and him work it out.

BY MR. GREVAS: I am here tonight to find out if the Board wishes to hold a public hearing on this. If they do, then I can prepare for that while the other items are under discussion.

BY MR. MCCARVILLE: Before we get to that issue, one question in the plans. I've got to say the plan looks very good from first glance in taking a look at it. It is certainly a lot better than the earlier revisions we had.

BY MR. SCHIEFER: And some of the stipulations they have agreed to are pretty good, too.

BY MR. MCCARVILLE: You have the eight foot walkway coming out between two buildings right onto a street. Is there going to be a recessed sidewalk underneath the building?

BY MR. GREVAS: Yes.

BY MR. MCCARVILLE: That is not shown on here, but --

BY MR. GREVAS: No, it is not, but the architectural detail hasn't been developed for this yet, but the reason is for this parking lot so people can get from the parking lot to there.

BY MR. MCCARVILLE: I can understand the reason but these people aren't going to have to walk out into a driveway, are they?

BY MR. GREVAS: What we are going to do are these two things. Number one, we have a 35 foot driveway, we can put a sidewalk and curb or landing of some sort and at the very least, a painted crosswalk out across here with the proper signing.

BY MR. VANLEEUEWEN: Just put the concrete across and put the blacktop on each side of it, raise the sidewalk so you have to slow down.

BY MR. MCCARVILLE: Very interested in the elevation of the buildings at our next meeting.

BY MR. GREVAS: No question about that.

BY MR. SOUKUP: I'd like to see the front and back elevations both.

BY MR. MCCARVILLE: I'd like to see them all the way around.

BY MR. GREVAS: That is the reason again for being here, because quite honestly, this concept of opening this whole area up makes it two sided building. There is no more front and back.

BY MR. SOUKUP: We have an open site pretty much.

BY MR. VANLEEUVEN: Last meeting you said you were going to tear down this building that is over here first.

BY MR. GREVAS: Yes.

BY MR. VANLEEUVEN: What kind of guarantee do we have that this building here is going to be torn down?

BY MR. GREVAS: It is going to be part of that.

BY MR. VANLEEUVEN: We asked Mr. Korngold last time he was here to fix the parking lot, it hasn't been touched. I want some kind of guarantee before I will okay it in my own mind that this building is going to be torn down, whether it be a bond or whatever.

BY MR. SOUKUP: Which building are you pointing to?

BY MR. GREVAS: This one here.

BY MR. VANLEEUVEN: It's shown here.

BY MR. SCHIEFER: The existing building? Wasn't the agreement that that all be torn down?

BY MR. VANLEEUVEN: No, he doesn't want to tear them all down.

BY MR. SCHIEFER: He said they were going to tear them all down.

BY MR. GREVAS: He met with the Supervisor and Attorney.

BY MR. VANLEEUEWEN: My question is answered then.

BY MR. GREVAS: That was the stipulation.

BY MR. VANLEEUEWEN: Before he puts a shovel in the ground, they are all going to come down?

BY MR. GREVAS: Yes.

BY MR. VANLEEUEWEN: Fine, my question is answered.

BY MR. MCCARVILLE: Screening between Kay Kelley's property and this property, any proposed screening?

BY MR. GREVAS: No, because they are basically continuous uses. We hadn't considered it. You know, we can.

BY MR. MCCARVILLE: Unregistered cars, I think there should be some screening of some sort particularly not in the front but more in the back because --

BY MR. VANLEEUEWEN: Why don't you come up with something?

BY MR. SOUKUP: The entrance to Route 300 which is the 28.7 foot entrance, I think should have a couple --

BY MR. LANDER: 29 or 28?

BY MR. SOUKUP: That should have a pair of islands on it similar to the one on the righthand side. A pair of ears or planted, some planted islands similar to the righthand side when you get to the righthand side, I don't see any definition between this parking lot and the parking lot of Rose Marine.

BY MR. GREVAS: That is because the State, if you will note, when they put this entryway here, they straddled the property line. I don't know why but they did. You see the other side of the curb island here and in order to get through here, I had

to leave this open for these people.

BY MR. SOUKUP: Is there another building in there or is it further out, I forget where the building line is.

BY MR. MCCARVILLE: It's way back.

BY MR. GREVAS: It's in here, approximately, they will show up on the topo because we located them as part of the topo.

BY MR. MCCARVILLE: With just a few more plantings, it could work.

BY MR. GREVAS: Just for the Board's information, you will see in the file there was an objection by the fire department about this island. We have cut this back and Bob seemed to be happy with it at the last meeting.

BY MR. EDSALL: He already reapproved it.

BY MR. LANDER: How are you going to handle the drainage?

BY MR. GREVAS: There are existing catch basins put in as part of the Route 300 construction, also as part of the Route 32 construction and there are many catch basins and culverts on this site now. We are in the process of trying to figure out which ones we are going to retain and which ones we are going to replace and which ones we are going to abandon. They are all over the place. They are everywhere.

BY MR. SOUKUP: One story buildings?

BY MR. GREVAS: Yes.

BY MR. EDSALL: The previous review sheet or submitted plans and I had three pages of comments Lou and I were going to work on. The reason the new plan is alone and my comments are significantly shorter is that we are looking for some endorsement as it may be of the layout because I have agreed with Lou that he shouldn't proceed with any of the drainage, any of the details, any of the elevations, any of the detailed information until

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you at least review the layout and say you feel it's acceptable.

BY MR. SCHIEFER: We have got one comment on the area. So far it's a great improvement.

BY MR. EDSALL: In all fairness, you may want to poll the Board and get it on record.

BY MR. SCHIEFER: Any objection to this basic layout? There is a lot more details have to be settled in but I think it's an improvement.

BY MR. MCCARVILLE: No objection.

BY MR. SCHIEFER: Mr. VanLeeuwen is going to be happy with the fact that everything is torn down before construction. If that isn't legal, that doesn't work out then something has to be changed, building size has to come down.

BY MR. EDSALL: Concept layout.

BY MR. SOUKUP: Obviously if he runs into drainage problems he may have to reduce some paved areas to compensate for that.

BY MR. SCHIEFER: Conceptually I have no problem with it.

BY MR. MCCARVILLE: No, I am interested in elevation though.

BY MR. SCHIEFER: Do you have any objection to the basic concept, Carmen?

BY MR. DUBALDI: No.

BY MR. SCHIEFER: In concept, the Board is unanimous in their approval.

BY MR. MCCARVILLE: I make a motion we take lead agency position.

BY MR. SOUKUP: Do we need to make it coordinated and send it to the DOT since they are abutters?

BY MR. EDSALL: DOT has provided all the curb accesses except for the Route 32 access and that's

already under review as part of their improvements. I don't believe there is going to be any permits needed other than that. I am not aware of any other agencies that would be reviewing it, so I don't believe it's a coordinated review.

BY MR. SOUKUP: I will second it.

ROLL CALL:

McCarville: Aye.  
VanLeeuwen: Aye.  
Pagano: Aye.  
Lander: Aye.  
Dubaldi: Aye.  
Schiefer: Aye.

BY MR. GREVAS: One question I have of the Board. Are you going to wish us to go to a public hearing?

BY MR. SCHIEFER: You read my next thought.

BY MR. LANDER: We do have residents on the other side of Kelley.

BY MR. VANLEEUEWEN: I don't think a public hearing is necessary. I make a motion that we waive the public hearing. The main thing what I am interested in and I will be honest with you is getting those buildings down and getting a nice new building up because it's the entrance to our town.

BY MR. SCHIEFER: And a decent parking lot.

BY MR. VANLEEUEWEN: We are willing to work with him and we are just waiving a public hearing now, but by rights, we shouldn't. He told us he'd fix the blacktop and he has not fixed it yet.

BY MR. GREVAS: There is also something that still has to be accomplished and we have touched on this earlier and that is a developer's agreement and Andy and I have discussed it at some length and discussed it with our client and that is a recommendation that we have all agreed upon as a means of insuring that whatever is agreed upon as part of the site plan process gets built that way.

BY MR. MCCARVILLE: You are right.

BY MR. VANLEEUEWEN: That blacktop I will not make another motion in this case or vote yes until the blacktop is finished.

BY MR. LANDER: That all has to do with drainage.

BY MR. MCCARVILLE: It's a little premature in even determining whether we should not have a public hearing. There is some people that would be very interested.

BY MR. LANDER: I think we should have one.

BY MR. MCCARVILLE: I think we should, too.

BY MR. GREVAS: If the Board wishes to, we will advertise for it.

BY MR. SCHIEFER Do you want a decision now?

BY MR. GREVAS: Yes, I'd like it so I can get this thing going.

BY MR. MCCARVILLE: Go with a public hearing.

BY MR. DUBALDI: There was already a motion to waive the public hearing.

BY MR. VANLEEUEWEN: And it's been seconded. I do want to see that building.

BY MR. SCHIEFER: That is coming down. During your absence, I commented on that.

BY MR. SCHIEFER: We are voting to waive the public hearing.

ROLL CALL:

McCarville:	No.
VanLeeuwen:	No.
Soukup:	No.
Lander:	No.
Dubaldi:	No.
Schiefer:	No.

BY MR. SCHIEFER: As soon as the work session agrees, everything is in order, schedule public hearing soon after that.

BY MR. BABCOCK: Can I briefly go over the retail use? This building, these entire buildings on this plan for the proposed retail use as we discussed before eating and drinking places, that's been a problem in a retail use.

BY MR. SCHIEFER: Are you aware of what he's saying?

BY MR. GREVAS: Yes.

BY MR. BABCOCK: Pizza shops, you know, delis, ice cream stands, whatever, in a retail use creates parking problems. In the C zone, the building height requirement, it increases for eating and drinking places. I just want the applicant to know if this is considered retail, it's going to have to be retail as far as the parking.

BY MR. GREVAS: Yes.



4-24-91

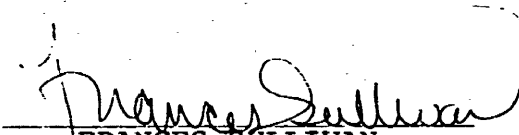
KORNGOLD

MR. KRIEGER: Before you adjourn, I wanted to mention one thing. You all in your materials had things on the Korngold application, copy of a letter I wrote and a copy of stuff that I received because I'm, I want to make sure that I'm in tune with the Board's feeling in what I'm saying. Would you be kind enough to look at those letters and if I have not reflected the Board's feelings and I'm out in left field here, let me know what you would like.

MR. SCHIEFER: Okay, thank you.

Being that there was no further business to come before the Board a motion was made to adjourn the meeting by Mr. Van Leeuwen seconded by Mr. McCarville and approved by the Board.

Respectfully submitted;

  
FRANCES SULLIVAN  
Stenographer



ANDREW S. KRIEGER  
ATTORNEY AT LAW  
219 QUASSAICK AVENUE  
SQUIRE SHOPPING CENTER, SUITE 3  
NEW WINDSOR, NEW YORK 12553  
            
(914) 562-2333

December 17, 1991

Town of New Windsor  
555 Union Avenue  
New Windsor, New York 12553  
-----

FOR PROFESSIONAL SERVICES RENDERED:

Re: Korngold 90-14

4-12 letter from E. Grevas; 4-22 letter to E. Grevas, L.S., tc E. Grevas, L.S.; 9-17 letter to Tad Seaman, Esq.,; 5-30 receive and review letter from Fred I. Holt, Inc.; 2-21 prepare developer's agreement; 11-20 tc P. Crotty, Esq., tc M. Mason review file; 11-21 meet with P. Crotty, Esq.,; 11-22 letter to P. Crotty, Esq.,; prepare revised paragraph 8 of suggested developer's agreement.

Total time spent 4.3 hours x \$100.00 per hour

Total fee \$430.00

14-14-90

90-14

NOV - 9 1990

Rw 4

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.  
D.O.T., O.C.H., O.C.P., D.P.W., [REDACTED], SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

Greus & Hildreth for the building or subdivision of  
Louis Kohn gold has been

reviewed by me and is approved ☒

disapproved \_\_\_\_\_

~~If disapproved, please list reason~~ \_\_\_\_\_

There is town water servicing this property  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

Stan D. D.  
WATER SUPERINTENDENT

\_\_\_\_\_  
SANITARY SUPERINTENDENT

\_\_\_\_\_  
DATE

✓  
cc: M.E.

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 14 November 1990

SUBJECT: Louis Korngold Site Plan

PLANNING BOARD REFERENCE NUMBER: PB-90-14

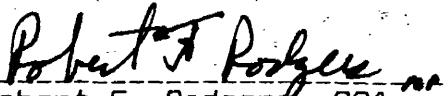
DATED: 9 November 1990

FIRE PREVENTION REFERENCE NUMBER: FPS-90-103

A review of the above mentioned site plan was conducted on 14 November 1990.

This site plan is acceptable.

PLANS DATED: November 8, 1990; Revision 4.

  
Robert F. Rodgers; CCA  
Fire Inspector

RR:mr  
Att.

✓  
CC: H.E.

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, ~~REDACTED~~  
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval ✓  
Subdivision \_\_\_\_\_ as submitted by  
Grevas and Hildeeth for the building or subdivision of  
Louis Kornfeld has been  
reviewed by me and is approved \_\_\_\_\_,  
disapproved ✓ \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_

No information regarding waste disposal  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

\_\_\_\_\_  
WATER SUPERINTENDENT

Lyman D. Masten Jr  
SANITARY SUPERINTENDENT

November 14, 1990  
DATE

CC: M.E.  
---

**& Grevas**  
**Hildreth, P.C.** LAND SURVEYORS  
33 QUASSACK AVENUE, NEW WINDSOR, NEW YORK 12553  
TELEPHONE: (914) 562-9867

LAND SURVEYS  
SUBDIVISIONS  
SITE PLANNING  
LOCATION SURVEYS

14 November 1990

Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, NY 12553

Att: Mr. Carl Schieffer, Chairman

SUBJECT: KORNGOLD SITE PLAN, VAILS GATE

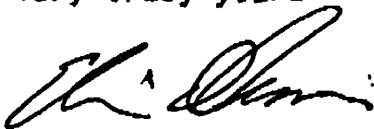
Dear Mr. Shieffer:

On behalf of our Client, Louis Korngold, we hereby request permission to place temporary signs on the property to attract future Lessees. Such signs would be in accordance with the Town of New Windsor Sign Ordinance.

This request is based on the economic necessity of obtaining leases prior to obtaining bank financing.

We note that the plan has been revised in accordance with the comments received at the Public Hearing, and has been resubmitted with a request to be place on your 28 November 1990 agenda. If any questions should arise during your discussion of this request, please do not hesitate to contact this office.

Very truly yours



Elias D. Grevas, President

cc: Louis Korngold, MD  
Mr. Terry Allerton

*Tabled*  
*Parking lot must be fixed.*  
*J. Raymond*  
*11/14/90*  
*V. Chavira*

P 326 569 076

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)NYS Dept of Transportation  
Stewart Airport  
P.O. Box 6100  
Stewart Airport  
New Windsor, NY 12553

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$

P 326 569 075

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAILR & S Foods Inc.  
249 North Craig St.  
Pittsburgh, PA 15213

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$2.00

P 326 569 074

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)Albany Savings Bank  
94 Broadway  
Newburgh, NY 12550

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$2.00

P 326 569 073

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)V.G.R. Associates  
c/o Howard V. Rosenblum  
Suite 2C  
300 Martine Ave.  
White Plains, NY 10601

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$2.00
Postmark of Date	

P 326 569 072

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)Route 300 Associates  
c/o John Yanaklis  
550 Hamilton Ave.  
Brooklyn, NY 11232

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$2.00
Postmark of Date	

P 326 569 071

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)Katherine Kelly  
Box 38  
Vails Gate, NY 12584

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$2.00
Postmark of Date	

P 326 569 070

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAILWm. & Viola Rosenberg  
c/o Big V Supermarkets  
178 N. Main Street  
Florida, NY 10921

Postage	\$2.00
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$2.00
Postmark of Date	

PS Form 3800, June 1985

PS Form 3800, June 1985

PS Form 3800, June 1985

PS Form 3800, June 1985



P 326 569 082

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)Orange County Department  
of Planning  
124 Main Street  
Goshen, NY 10924

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$2.00

June 1985

P 326 569 079

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)Angelo Rosmarino  
Enterprises, Inc.  
P.O. Box 392  
Vails Gate, NY 12584

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$2.00
Postmark or Date	12 1990

PS Form 3800, June 1985

P 326 569 081

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)Conna Corporation  
c/o Convenient Industries  
of America, Inc.  
Real Estate Dept.  
P.O. Box 35710  
Louisville, KY 40232

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$

June 1985

P 326 569 078

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)Joseph & Robert  
Primavera  
PO Box 177  
Vails Gate, NY 12584

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$2.00
Postmark or Date	12 1990

PS Form 3800, June 1985

P 326 569 080

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)S & S Properties, Inc.  
123 Quaker Road  
Highland Mills, NY 10930

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$2.00

June 1985

P 326 569 077

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)Paul & Vir. Casaccio  
41 Barclay Rd.  
New Windsor, NY 12553

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$2.00
Postmark or Date	12 1990

PS Form 3800, June 1985

**LEGAL NOTICE**  
\*\*\*\*\*

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York, will hold a PUBLIC HEARING at the Town Hall, 555 Union Avenue, New Windsor, N.Y., on 24 OCTOBER 1990 at 7:30 P.M. (or as soon thereafter as may be heard) on the proposed SITE PLAN for Louis Korngold, for a shopping center located between Route 32 & 300 (Temple Hill Road), 150' +/- north of the Vails Gate Intersection.

A map of the proposed Site Plan is on file and may be inspected at the Town Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, N.Y., beginning Friday, 12 October 1990.

Dated: 8 October 1990

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD  
Carl E. Schiefer  
Chairman



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

October 10, 1990

Grevas & Hildreth, P.C.  
33 Quassaick Avenue.  
New Windsor, NY 12553

Re: Tax Map Parcel # 69-2-1, 2 & 12

Dear Mr. Hildreth:

According to our records, the attached list of property owners are adjoined and across the street from the above subjects.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk, Town of New Windsor, NY.

Sincerely,

LESLIE COOK  
Sole Assessor

LC/cad  
Attachments  
cc: Myra Mason

Rosenberg, William & Viola  
c/o Big V Supermarkets Inc.  
176 N. Main Street  
Florida, NY 10921

Kelly, Katherine  
Box 38  
Vails Gate, NY 12584

Route 300 Associates  
c/o John Yanaklis  
550 Hamilton Ave.  
Brooklyn, NY 11232

V.G.R. Associates  
c/o Howard V. Rosenblum  
Suite 2C  
300 Martine Ave.  
White Plains, NY 10601

Albany Savings Bank  
94 Broadway  
Newburgh, NY 12550

R & S Foods Inc.  
249 North Craig St.  
Pittsburgh, PA 15213

N.Y.S. Dept. of Transportation  
Stewart Airport  
P.O. Box 6100  
Stewart Airport  
New Windsor, NY 12553

Casaccio, Paul & Virginia  
41 Barclay Rd.  
New Windsor, NY 12553

Primavera, Joseph A. & Robert  
P.O. Box 177  
Vails Gate, NY 12584

Angelo Rosmarino Enterprises, Inc.  
P.O. Box 392  
Vails Gate, NY 12584

S & S Properties Inc.  
123 Quaker Rd.  
Highland Mills, NY 10930

Conna Corporation  
c/o Convenient Industries of America Inc.  
Real Estate Dept.  
P.O. Box 35710  
Louisville, KY 40232

ANDREW S. KRIEGER  
ATTORNEY AT LAW  
219 QUASSACK AVENUE  
SQUIRE SHOPPING CENTER, SUITE 3  
NEW WINDSOR, NEW YORK 12553  
(914) 562-2333

September 17, 1990

J. Tadd Seaman, Esq.  
Town Attorney  
555 Union Avenue  
New Windsor, New York 12550

Re: Korngold

Dear Tadd:

As you probably know, the Lewis Korngold site plan came before the Planning Board on September 12, 1990.

At that time Lou Grevas, indicated that he had met with you and George and that you had approved the use of 8 parking spaces in the soon to be created State Parking lot. The Planning Board was advised that the applicant, Mr. Korngold, could use these 8 parking spaces to meet his minimum parking requirements.

If in fact you said anything like this, please let me know at your earliest convenience. It seems to me that no applicants can use parking spaces not on property owned by him to meet his minimum parking requirements and if you have a different view of this matter please let me know at your earliest convenience.

Thank you.

Very truly yours,

ANDREW S. KRIEGER

ASK:mmt

cc: George Green, Supervisor  
Town of New Windsor  
Hon. Carl Schiefer, Town of New  
Windsor Planning Board Chairman

**INTER OFFICE CORRESPONDENCE**

**TO:** Town Planning Board  
**FROM:** Town Fire Inspector  
**DATE:** 15 October 1990  
**SUBJECT:** Louis Korngold Site Plan

**PLANNING BOARD REFERENCE NUMBER:** PB-90-14  
**DATED:** 12 October 1990

**FIRE PREVENTION REFERENCE NUMBER:** FPS-90-087

A review of the above referenced subject site plan was completed on 15 October 1990.

This site Plan is acceptable.

**PLANS DATED:** 10 October 1990; Revision 3.

  
Robert F. Rodgers, CCA  
Fire Inspector

RR:mr  
Att.

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.,  
D.O.T., O.C.H., O.C.P., D.P.W., WATER, ~~SEWER~~, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval ✓  
Subdivision \_\_\_\_\_ as submitted by  
\_\_\_\_\_ for the building or subdivision of  
LOUIS KORNGOOD has been  
reviewed by me and is approved \_\_\_\_\_,  
disapproved ✓ \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_

NO SEWER LINE DETAIL ILLUSTRATED.

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

\_\_\_\_\_  
WATER SUPERINTENDENT

*J. P. G. Jr.*  
SANITARY SUPERINTENDENT

10-15-90

DATE



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)  
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640  
PORT JERVIS (914) 856-5600

90-14

RICHARD D. MCGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

Licensed in New York,  
New Jersey and Pennsylvania

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN OF New Windsor P/B #      -       
WORK SESSION DATE: 6 FEB '90 APPLICANT RESUB.  
REAPPEARANCE AT W/S REQUESTED: Yes. REQUIRED: Full App  
PROJECT NAME: Korngold  
PROJECT STATUS: NEW      OLD       
REPRESENTATIVE PRESENT: ENG; Terry Alleton  
TOWN REPS PRESENT: BLDG INSP.       
FIRE INSP.       
ENGINEER X  
PLANNER       
P/B CHMN.       
OTHER (Specify)     

**ITEMS TO BE ADDRESSED ON RESUBMITTAL:**

- rear spacing - 20' ZBA ; also F/I  
- to decide what they want & get  
plan in -  
- need variances - ENG to indicate  
needed ones - submit.





McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)  
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640  
PORT JERVIS (914) 856-5600

RICHARD D. MCGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

Licensed in New York,  
New Jersey and Pennsylvania

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN OF New Windsor P/B # 90-14  
WORK SESSION DATE: 14 Aug 90 APPLICANT RESUB.  
REAPPEARANCE AT W/S REQUESTED: yes REQUIRED: Updated Plan  
PROJECT NAME: Korngold  
PROJECT STATUS: NEW      OLD X  
REPRESENTATIVE PRESENT: EDG  
TOWN REPS PRESENT: BLDG INSP. lin.  
FIRE INSP. Bob  
ENGINEER X  
PLANNER       
P/B CHMN.       
OTHER (Specify)     

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- still needs bldg height change
- island (center being revised)

gen'l update

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, ~~SANITARY INSP.~~,  
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval ☒

Subdivision \_\_\_\_\_ as submitted by

Greaves and Hilbert for the building or subdivision of

Louis Kormogol has been

reviewed by me and is approved ☒

disapproved \_\_\_\_\_

If disapproved, please list reason \_\_\_\_\_

All 8" or better Sewer mains must be Tested by the  
Engineer for the Town. Laterals must be inspected by  
the Sewer Dept. All inspections must have the proper  
Sanitary Permit from the Town.

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

\_\_\_\_\_  
WATER SUPERINTENDENT

Lymam D. Masten Jr  
\_\_\_\_\_  
SANITARY SUPERINTENDENT

October 15, 1990  
\_\_\_\_\_  
DATE

10-15-90

OCT 12 1990  
90-14  
Rev 3

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.,  
D.O.T., O.C.H., O.C.P., D.P.W., ~~WATER~~, SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

Grevas & Hildreth for the building or subdivision of  
Genis Hargold has been

reviewed by me and is approved ☒

~~disapproved~~ \_\_\_\_\_

~~If disapproved, please list reason~~ \_\_\_\_\_

There are service lines feeding this prop.  
One line from Rt 32. and one from Rt 302-  
Not by water dept. for location.

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

Steve D. Dir  
\_\_\_\_\_  
WATER SUPERINTENDENT

\_\_\_\_\_  
SANITARY SUPERINTENDENT

\_\_\_\_\_  
DATE

CC: M.E.

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.,  
D.O.T., O.C.H., O.C.P., D.P.W., ~~WATER~~, SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

Grews & Hildreth for the building or subdivision of  
Cwis Kolayold has been

reviewed by me and is approved ☒

disapproved ☐

~~If disapproved, please list reason~~

Please notify water dept. for location of  
existing water services.

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

Steve D. D.  
WATER SUPERINTENDENT

\_\_\_\_\_  
SANITARY SUPERINTENDENT

\_\_\_\_\_  
DATE

90-14

SEP 4 - 1990  
Rev 2

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, ~~SANITARY INSP.~~,  
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval ☒  
subdivision \_\_\_\_\_ as submitted by  
Grevas and Hildeeth for the building or subdivision of  
Louis Kosmogah has been  
reviewed by me and is approved \_\_\_\_\_,  
disapproved ☒.

If disapproved, please list reason \_\_\_\_\_

Submitted map does not indicate sewer connection.

Sewer is available in this area

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

\_\_\_\_\_  
WATER SUPERINTENDENT

Lynn D. Marten  
\_\_\_\_\_  
SANITARY SUPERINTENDENT

Sept. 12, 1990  
\_\_\_\_\_  
DATE

✓  
CC: M.E.



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)  
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640  
PORT JERVIS (914) 856-5600

RICHARD D. MCGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

Licensed in New York,  
New Jersey and Pennsylvania

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN OF New Windsor P/B # 90-14  
WORK SESSION DATE: 4 Sept 90 APPLICANT RESUB.  
REAPPEARANCE AT W/S REQUESTED: No REQUIRED: Yes  
PROJECT NAME: Koenigold  
PROJECT STATUS: NEW        OLD X  
REPRESENTATIVE PRESENT: ELG  
TOWN REPS PRESENT: BLDG INSP. None  
FIRE INSP. Rich  
ENGINEER X  
PLANNER         
P/B CHMN.         
OTHER (Specify)       

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- S/p layout discussion  
only

OK for next avail  
agenda

Rev,

MAY 15 1980

90 - 14

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.,  
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

Cruas & Hildrich for the building or subdivision of  
Levis Kolngold has been

reviewed by me and is approved L

~~disapproved~~ \_\_\_\_\_

~~If disapproved, please list reason~~ \_\_\_\_\_

Notify water dept. to shut water  
off before excavation.

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

Steve D. D.  
WATER SUPERINTENDENT

\_\_\_\_\_  
SANITARY SUPERINTENDENT

\_\_\_\_\_  
DATE

✓  
CC: M.E.

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 7 June 1990

SUBJECT: Louis Korngold Preliminary Site Plan

PLANNING BOARD REFERENCE NUMBER: PB-90-14

DATED: 15 May 1990

FIRE PREVENTION REFERENCE NUMBER: FPS-90-052

A review of the above referenced preliminary site plan was conducted on 7 June 1990.

This site plan is rejected for the following:

1) If the large plant area for the center parking stalls is made smaller, Vails Gate Fire Chief McDonald feels it would give easier access to the buildings. (Please see plan.)

PLANS DATED: 8 May 1990; Revision 1.

*Robert F. Rodgers, m.a.*

Robert F. Rodgers; CCA  
Fire Inspector

RR:mr  
Att.

✓  
CC: M.E.



90 - 14

DATE \_\_\_\_\_

RE: M.E.

90 - 14

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, ~~SANITARY INSP.~~,  
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval ☒

Subdivision \_\_\_\_\_ as submitted by

GREGAS & Hildreth for the building or subdivision of  
LOUIS KORNOLD has been

reviewed by me and is approved \_\_\_\_\_,

disapproved ☒ \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_

No information regarding waste disposal

Note: Sewer line existing in this area.

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

\_\_\_\_\_  
WATER SUPERINTENDENT

Lyman D. Martin Jr.  
\_\_\_\_\_  
SANITARY SUPERINTENDENT

May 29, 1990  
\_\_\_\_\_  
DATE

✓  
cc: M.E.

KORNGOLD, LOUIS SITE PLAN 990-14) ROUTE 300

Elias Grevas, L.S. came before the Board representing this proposal.

MR. GREVAS: This property I think everybody knows where it is from the roads, it is on 300, Route 32 and Old Temple Hill Road in Vails Gate area. It is behind the Hess Station and comes off opposite the Highland National Bank. It comes in there off of--

MR. VAN LEEUWEN: Marine Midland.

MR. SOUKUP: It is Albany Savings.

MR. MC CARVILLE: Are there existing buildings on there?

MR. GREVAS: Yes. If you look closely, there is dashed lines and there is a long dashed line in here. That is the unique situation we have here. We have existing buildings on this site, some of which have been taken down in the vicinity of what's now building A and we have some operating business in the building fronting out on 32 next to Primevera's? You have the couple of restaurants, a chinese restaurant and the one on the end, the Red House is right in about the center of this building and there is a restaurant out on the end. About 150 feet off that building out of the 300 foot length that big extension all the way out to, close to Route 300 is used right now. I mean occupied and operating. The State, when they build 300, put the curb entrances here and for some reason, put one here. Basically, splitting the property line, I think it was because visually and physically, it looks like this is part of this property but it is not. There are two pieces of property in here and this is the backside of Angelo's Pizza. At any rate, a couple of things became apparent to us when we started to lay this thing out. Dr. Korngold purchased this parcel sometime ago in getting ready to do something with this site, some of you members may remember we were before the Planning Board maybe three years ago with a sketch plan of this.

Since we started the layout, the State has acquired this piece and they are going to use it for a parking lot. Now that meant that we had to provide more parking internally on the site, wanted to open this up, this area up and we pushed buildings B and C back toward this property line and we are within 20 feet of the property line where we are supposed to be 30 feet from the property line. We have done this in full recognition of what we are doing because the existing building is much further or much closer to the property line than that A and B. We are, if necessary, we would have to go to get a variance because we feel that we have to have parking in the center of the site to service the retail space. We have some periphery parking coming in off Old Temple Hill Road to

service this end of the site but I think everybody would recognize that if we had all our parking out on the periphery that the retail space in the center would suffer. Layout pre-supposes that we would not have access to Route 32 because of its proximity to the Vails Gate intersection which so we have shown the dead-end parking space here. What the applicant would like to do here is build this thing basically in sections or in phases because the building that is presently occupied with the restaurant still has five years to run on its leases. So rather than tear that down and displace those people and lose that rent besides putting them out of business, what the intention is is to start the construction from the left side or actually buildings B and C and then move these people in and then take the buildings down, you know, trade square footage for square footage.

Basically, what we are talking about is I have a question on the 20 foot yard setback since we have an existing site and I will ask Andy this one.

MR. VAN LEEUWEN: When you point things out, could you just stand aside a little bit because we can't see.

MR. GREVAS: I have an existing building here that is closer than that but I am moving over. Do you feel that I should, we should still apply for a variance for that 10 feet? It is not taking it, it is pre-existing.

MR. VAN LEEUWEN: How long will it be before the buildings are taken down?

MR. GREVAS: These existing buildings providing we start construction on buildings B and C, those would be the first ones to go.

MR. VAN LEEUWEN: They'd come down before you start construction?

MR. GREVAS: Yes.

MR. VAN LEEUWEN: If they come down before you start construction, you don't have to get a variance for that.

MR. SCHIEFER: Why not, it is a new building?

MR. VAN LEEUWEN: I misunderstand, he told the way Lou just said, there was an existing building which is going to come down, okay, when the building is down, he has the 20 feet, he has got the property, he has got the proper sides.

MR. SCHIEFER: Thirty (30) feet, it is a new building and it is not as bad as the existing building but still a new building.

MR. VAN LEEUWEN: Then he has got to go, I am sorry, I misunder-

stood you.

MR. KRIEGER: I agree.

MR. SCHIEFER: Being a new building--

MR. LANDER: Wendy's is here, what is in the spot that the DOT purchased, the parking lot right now?

MR. GREVAS: Yes, parking lot. The shade company is right here, Primevera's right here, this used to be owned by Joe, by Perkins Pancake, Joe Bonura and he purchased this for parking lot for his employees.

MR. MC CARVILLE: In looking at the parking lot, it would be-- have you contacted the State to see if they would give you perhaps access coming one-way?

MR. GREVAS: You mean into the site here?

MR. MC CARVILLE: Yes.

MR. GREVAS: You mean access through, I don't know, I don't think we have discussed the access condition with them. They are considering this as parking for this area.

MR. VAN LEEUWEN: But the--I understood it and I sat on that committee, okay, and the way we set that up that parking lot, the State is going to acquire it, the State is going to build a parking lot out of it because they are taking the parking lot in the front but that parking lot is for the whole corner, not just for Primevera and the shade place.

MR. GREVAS: I realize that. The question is because basically it is an all-around parking lot, we can't take advantage of any of the yard requirements because of it.

MR. VAN LEEUWEN: No but if you had an entrance and egress, it might help you.

MR. MC CARVILLE: I think it would help the traffic flow.

MR. GREVAS: Off 32?

MR. VAN LEEUWEN: Yes because they are going to have an entrance from 32.

MR. GREVAS: I know they will but the point is to come through here.

MR. VAN LEEUWEN: They might take a short cut to 300.

MR. KRIEGER: You invite using the parking lot as parking for these others.

MR. VAN LEEUWEN: They can't use that parking which the State owns for this complex.

MR. MC CARVILLE: Why not?

MR. VAN LEEUWEN: They don't own it.

MR. MC CARVILLE: You are going to tell me I can't park there and walk across there, what do you think that walkway is?

MR. VAN LEEUWEN: You can't use it in the calculations is what I am saying.

MR. SCHIEFER: In relation it is going to be used for that.

MR. GREVAS: We didn't put this walkway in for nothing, no, I mean we are counting on them using it. Even though we do have the count, we have got the count on the plan because we have got no choice as a matter of fact, now that I think about it, if this was indeed for the entire corner, we might expand the buildings and ask for a variance on parking. At any rate, that is where we are at, this is the preliminary submittal and if everybody agrees, we must go to the Zoning Board of Appeals. I would request that the recommendation, I'd like it to be a positive recommendation if I can get one.

MR. SCHIEFER: We will make a negative declaration and we can send a recommendation along.

MR. VAN LEEUWEN: I'd like to see what the buildings are going to look like.

MR. GREVAS: An architectural rendering?

MR. VAN LEEUWEN: Yes.

MR. SCHIEFER: You can send him to the Zoning Board of Appeals.

MR. VAN LEEUWEN: No problem.

MR. KRIEGER: The Zoning Board of Appeals will ask anyway.

MR. LANDER: What is your comments on that 20 foot setback?

MR. EDSALL: That sounds more of a legal question as far as whether or not you can consider that a reconstruction or whether or not you are going to consider it a new building.

MR. SOUKUP: What is your hardship on the 20 feet?

MR. GREVAS: Basically, layout practical difficulty in laying out the site properly in the center and providing the parking into a retail site.

MR. MC CARVILLE: Before I make any recommendation for this to go to zoning, I'd like to see a more detailed plan particularly landscaping, I'd like to see the building profiles and elevations.

MR. VAN LEEUWEN: One-story buildings?

MR. GREVAS: Yes. I have got to tell you to do all that and then have this thing changed because we don't get variances.

MR. SOUKUP: The only variance you are looking for is the 20 feet?

MR. GREVAS: Side yard variance here.

MR. SCHIEFER: Parking too, that is also.

MR. MC CARVILLE: Let me address the one comment you said your comment was that is alot of work to go through if you don't get it but if you have that kind of material to go to before the Zoning Board of Appeals that you stand a hell of alot better chance of getting it. I would not make a positive recommendation without it.

MR. GREVAS: I see where Mark's comments, you know, about the landscaping is apropos. I must point out that there is no building coverage requirement in this zone, I mean we can cover 100% of the site. We are not doing it but we could. And yes, I, we can do that, it is just that I'm saying that if the layout changes and all that will have gone for nothing.

MR. MC CARVILLE: That is right.

MR. VAN LEEUWEN: I think everybody on this Board including the Zoning Board will want to see that site. We have this cleaned up, that is the entrance to our town and right now it is a mess. Buildings are condemned in there and everything else.

MR. SOUKUP: I can't see the hardship on the 20 feet variance.

MR. KRIEGER: It is practical difficulty not a hardship.

MR. SOUKUP: Practical difficulty you have to squeeze down the building and lose a few cars, I personally can't see why you can't see 30 feet on all the side yards and proceed with a site plan application. You are going to spend several months going through a procedure with a 50% chance of winning or losing which you could gain when starting out with this plan.

MR. GREVAS: The question of conformance to the plan and if you were laying out--

MR. SOUKUP: You'd realize if you bring this 10 feet over, that throws out a whole row of parking spaces in this center section.

4-11-90

MR. SCHIEFER: I'd leave that to the applicant. If he wants to take the chance go to the Zoning Board of Appeals.

MR. SOUKUP: I am just saying that I can't give a positive recommendation if you want to send him to the Zoning Board of Appeals for it, fine, but I can't see a positive recommendation in my point.

MR. SCHIEFER: Leave the applicant to make that decision. I am getting several comments.

MR. SOUKUP: If he wants to turn down on the side plan because of the side yard being lacking, we will be glad to give him a vote to that effect.

MR. EDSALL: You may not have to go to the Zoning Board of Appeals and Andy, if you have your code with you, page 4816 starting reading out of it;

"...A nonconforming building is any building which contains a use permitted in the district which--..."

It states that;

"...Normal maintenance and repairs, structural alteration, moving, reconstruction or enlargement of a nonconforming building is permitted provided it does not increase the degree of or create new non-conformances pertaining to such buildings..."

So technically he is making it better.

MR. KRIEGER: Here is where the rug comes out, he is not reconstructing the building exactly on the same site, enlargement, making it bigger but not exactly on the same site, it is those two words, does that make a difference?

MR. SOUKUP: Is the word replacement in there?

MR. EDSALL: No, just structural alteration.

MR. KRIEGER: It is not conforming if you were replacing with a conforming building, then there'd be no question. We wouldn't even be looking.

MR. VAN LEEUWEN: The only way you can apply that rule gentlemen as far as I'm concerned or I can see is if you build on the same foundation and just added to the building with new building, it is out of the ballgame.

MR. KRIEGER: And here is the problem. It is a question of interpretation and I think that has to go to the Zoning Board of Appeals. When he makes his application to the Zoning Board



of Appeals, I am sure he will make it a two-fold application for an interpretation and as far as if necessary.

MR. EDSALL: That would be a good course because they are not just saying reconstruction or alteration, they are saying enlargement.

MR. KRIEGER: Enlargement says you have to start or means you have to start with the same foundation and make it bigger. You have to encompass the same footprint, I think. Here you are moving it, is that the same?

MR. EDSALL: One of the items is moving listed in that section moving, reconstruction or enlargement so they are moving it, reconstruction, altering it.

MR. LANDER: Are you going to move it?

MR. GREVAS: I am not going to move the existing one.

MR. KRIEGER: Now if you accept the argument that it is moving though will any moving qualify? Suppose they are moving across the street, is that enough?

MR. EDSALL: I agree rather than starting with a variance application they should get an interpretation.

MR. KRIEGER: And then if then he fails on that then let him apply for a variance but the problem with the moving here it is not defined and we have nothing in the code defining how much moving is moving.

MR. SCHIEFER: In either case, you have to go to the Zoning Board of Appeals first for an interpretation and if that is negative for an interpretation, go for a variance.

MR. MC CARVILLE: This 20 foot, you take a tractor trailer going to make a delivery all you need to do is have any cars parked along the building which you are going to get even though you have no parking, fire zone, the truck is not going to get through there with a car parked there. I don't think it could even make a turn not unless you have curbs and sidewalks, that is the only other thing, where are the sidewalks for pedestrians to walk?

MR. MC CARVILLE: Are the sidewalks over to this parking area here?

MR. GREVAS: No, just like the Big V, we don't have sidewalks out in the parking lot.

MR. MC CARVILLE: For the density of this plan, you need 30 feet for the fire protection.

MR. GREVAS: Density is .22 of the site, we are covering 22% of the site.

MR. MC CARVILLE: If it was an average, squared off site with not as dense as this without adjoining businesses, I would agree with you but it is a very busy area.

MR. GREVAS: The whole area is busy, I will agree with that.

MR. MC CARVILLE: I don't think that is adequate, 20 foot in there.

MR. LANDER: Do you have anything from the fire department?

MR. EDSALL: You have got a report dated the 28th of March, its been accepted.

MR. SCHIEFER: There is a map here stamped approved by the fire department.

MR. EDSALL: I believe from the work session because it was single story and the class of the structure not storing or warehousing certain combustibles, the main access from the front he deems acceptable.

MR. VAN LEEUWEN: I have a motion on the floor to approve the site plan.

MR. LANDER: I will second it.

MR. SCHIEFER: Motion has been made and seconded that we approve the site plan. I believe what we have in mind in either case they have to go to the Zoning Board of Appeals a variance. That is basically why we are voting. Any further discussion?

ROLL CALL:

Mr. McCarville	No
Mr. VanLeeuwen	No
Mr. Soukup	No
Mr. Lander	No
Mr. Dubaldi	No
Mr. Schiefer	No

90-14  
Original

CC: M.E.

Original  
JAN - 5 1990

90 - 30

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.,  
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

Paul V. Cuomo for the building or subdivision of  
Cicchetti Site has been

reviewed by me and is approved ☒

~~disapproved~~ \_\_\_\_\_

If disapproved, please list reason \_\_\_\_\_

Water is available in this area.

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

John D. Dill  
WATER SUPERINTENDENT

\_\_\_\_\_  
SANITARY SUPERINTENDENT

\_\_\_\_\_  
DATE

✓  
C.C.M.E.

IOC.PB  
KORNG.PB

**INTER OFFICE CORRESPONDENCE**

**TO:** Town Planning Board

**FROM:** Town Fire Inspector

**DATE:** 2 April 1990

**SUBJECT:** Louis Korngold; Preliminary Site Plan

**PLANNING BOARD REFERENCE NUMBER:** PB-90-14

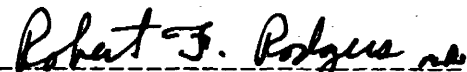
**DATED:** 28 March 1990

**FIRE PREVENTION REFERENCE NUMBER:** FPS-90-027

A review of the above referenced preliminary site plan was conducted on 30 March 1990.

This site plan is found acceptable.

**PLANS DATED:** 16 February 1990.

  
Robert F. Rodgers, CCA  
Fire Inspector

RR:mr  
Att.

✓  
CC:M.E.

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, ~~CHIEF OF POLICE~~,  
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval ✓

Subdivision \_\_\_\_\_ as submitted by  
Grevas & Hildeeth for the building or subdivision of  
Louis Korngold has been  
reviewed by me and is approved \_\_\_\_\_  
disapproved ✓ \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_

No information regarding Sewage Disposal.  
Drawing should include elevations and location of sewer connections  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

\_\_\_\_\_  
WATER SUPERINTENDENT

Lynn D. Masten  
\_\_\_\_\_  
SANITARY SUPERINTENDENT

April 2, 1990  
\_\_\_\_\_  
DATE

✓  
CC: M.E., GREVAS

MAR 23 1990

90 - 14

Original

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.,  
D.O.T., O.C.H., O.C.P., D.P.W., [REDACTED], SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

Cruas + Hildreth for the building or subdivision of  
Cecilia Borgold has been

reviewed by me and is approved ☒

disapproved \_\_\_\_\_

~~If disapproved, please list reason~~

Please notify water Dept. water  
servicing some of these buildings

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

Steve D. D.O.  
WATER SUPERINTENDENT

\_\_\_\_\_  
SANITARY SUPERINTENDENT

\_\_\_\_\_  
DATE

✓  
CC:M.E.

Planning Board  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12550

(This is a two-sided form)

Date Received \_\_\_\_\_  
Meeting Date \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Action Date \_\_\_\_\_  
Fees Paid \_\_\_\_\_

APPLICATION FOR SITE PLAN, LOT-LINE CHANGE  
OR SUBDIVISION PLAN APPROVAL

6/27/94  
Disconnected  
No other # in

1. Name of Project Louis Korngold - Site Plan (914) 634-4244
2. Name of Applicant Louis Korngold, M.D. Phone (914) 623-1818  
135 STRAWTOWN RD. WEST NYACK, N.Y. 10994  
Address 354 No. Middletown Road, Nanuet, N.Y. 10954  
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record Applicant Phone (914) 634-4244  
Address SAME  
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan ELIAS D. GREVAS Phone (914) 562-8667  
GREVAS & HILDRETH, L.S., P.C.  
Address 33 QUASSACK AVE. NEW WINDSOR, N.Y. 12550  
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney PHIL CROTTY Phone 562-6500  
Address RD 2 Temple Hill Rd. New Windsor, N.Y. 12550  
(Street No. & Name) (Post Office) (State) (Zip)
6. Location: On the East side of Temple Hill Rd. (Rte 300)  
250 ± feet North  
(Street) (Direction)  
of Vails Gate Intersection (Rtes 94 & 32)  
(Street)
7. Acreage of Parcel 3.12 ± 8. Zoning District 'C'
9. Tax Map Designation: Section 69 Block 2 Lots 2 & 12
10. This application is for Retail Stores
11. Has the Zoning Board of Appeals granted any variance or a special permit concerning this property? \_\_\_\_\_



If so, list Case No. and Name \_\_\_\_\_

12. List all contiguous holdings in the same ownership  
Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT

(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

being duly sworn, deposes and says  
that he resides at 135 STRAWTOWN RD. W. NYACK N.Y.  
in the County of ROCKLAND and State of NY  
and that he is (the owner in fee) of \_\_\_\_\_

(Official Title)

of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized \_\_\_\_\_ to make the foregoing application for Special Use Approval as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

James Longold  
(Owner's Signature)

20<sup>th</sup> day of March 1980

James Longold  
(Applicant's Signature)

C. Helen Curran  
Notary Public

(Title)

C. HELEN CURRAN  
Notary Public, State of New York  
No. 4867426  
Qualified in Rockland County  
Commission Expires August 10, 1990

REV. 3-87

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
For UNLISTED ACTIONS Only

**PART I--PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

<b>1. APPLICANT /SPONSOR</b> LOUIS KORNGOLD	<b>2. PROJECT NAME</b> SITE PLAN
<b>3. PROJECT LOCATION:</b> Municipality TOWN OF NEW WINDSOR County ORANGE	
<b>4. PRECISE LOCATION</b> (Street address and road intersections, prominent landmarks, etc., or provide map) East side Temple Hill Rd. (Rte. 300), 250'± north of Vails Gate Intersection (Routes 94 & 32)	
<b>5. IS PROPOSED ACTION:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
<b>6. DESCRIBE PROJECT BRIEFLY:</b> REHABILITATION OF EXISTING SHOPPING CENTER	
<b>7. AMOUNT OF LAND AFFECTED:</b> Initially 3.12± acres Ultimately 3.12± acres	
<b>8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly VARIANCE FOR YARD DIMENSIONS (TO BE SOUGHT)	
<b>9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?</b> <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
<b>10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
<b>11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval Certificates of Occupancy (Town of New Windsor)	
<b>12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No New Building Permits, Certificates of Occupancy.	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: LOUIS KORNGOLD Date: 23 Mar '90	
Signature: BY: [Signature] ELIAS D. GREVAS, L.S.	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<b>A. DOES ACTION EXCEED ANY TYPE THRESHOLD IN 6 NYCRR, PART 617.12?</b> If yes, complete the review process and use the FULL EAF: <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8?</b> If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</b> <b>C1.</b> Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:   <b>C2.</b> Aesthetic, agricultural, archeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:   <b>C3.</b> Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:   <b>C4.</b> A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:   <b>C5.</b> Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:   <b>C6.</b> Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.   <b>C7.</b> Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.   <b>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from responsible officer)

\_\_\_\_\_  
Date

PROXY STATEMENT

for submittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

LOUIS KORNGOLD deposes and says that he  
resides at 135 STRAWTOWN RD. W. NYACK, N.Y. 10994  
(Owner's Address)

in the County of ROCKLANDand State of N.Y.and that he is the owner in fee of Tax Map SECT. 69, Block 2,  
Lots 2 & 12 in the Town of New Windsorwhich is the premises described in the foregoing application and  
that he has authorized GREAS & HILDEETH, L.S., P.C.  
to make the foregoing application as described therein.Date: 3/15/90Louis Korngold  
(Owner's Signature)Mary Clark  
(Witness' Signature)

TOWN OF NEW WINDSOR PLANNING BOARD  
SITE PLAN CHECKLIST

ITEM

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Site Plan Title                             | 29. <input checked="" type="checkbox"/> Curbing Locations                   |
| 2. <input checked="" type="checkbox"/> Applicant's Name(s)                         | 30. <input checked="" type="checkbox"/> Curbing Through Section             |
| 3. <input checked="" type="checkbox"/> Applicant's Address(es)                     | 31. <input checked="" type="checkbox"/> Catch Basin Locations               |
| 4. <input checked="" type="checkbox"/> Site Plan Preparer's Name                   | 32. <input checked="" type="checkbox"/> Catch Basin Through Section         |
| 5. <input checked="" type="checkbox"/> Site Plan Preparer's Address                | 33. <input checked="" type="checkbox"/> Storm Drainage                      |
| 6. <input checked="" type="checkbox"/> Drawing and Revision Dates                  | 34. <input checked="" type="checkbox"/> Refuse Storage                      |
| 7. <input checked="" type="checkbox"/> 4"x2" Box for Approval Stamp. (Prelim Plan) | 35. <input checked="" type="checkbox"/> Other Outdoor Storage               |
| 8. <input checked="" type="checkbox"/> AREA MAP INSET                              | 36. <input checked="" type="checkbox"/> Area Lighting                       |
| 9. <input checked="" type="checkbox"/> Site Designation                            | 37. <input checked="" type="checkbox"/> Sanitary Disposal Sys.              |
| 10. <input checked="" type="checkbox"/> Properties Within 500 Feet of Site         | 38. <input checked="" type="checkbox"/> Water Supply/Fire Hydrants          |
| 11. <input checked="" type="checkbox"/> Property Owners (Item #10)                 | 39. <input checked="" type="checkbox"/> Building Locations                  |
| 12. <input checked="" type="checkbox"/> PLOT PLAN                                  | 40. <input checked="" type="checkbox"/> Building Setbacks                   |
| 13. <input checked="" type="checkbox"/> Scale (1" = 50' or lesser)                 | 41. <input checked="" type="checkbox"/> Front Building Elevations           |
| 14. <input checked="" type="checkbox"/> Metes and Bounds                           | 42. <input checked="" type="checkbox"/> Divisions of Occupancy              |
| 15. <input checked="" type="checkbox"/> Zoning Designation                         | 43. <input checked="" type="checkbox"/> Sign Details                        |
| 16. <input checked="" type="checkbox"/> North Arrow                                | 44. <input checked="" type="checkbox"/> BULK TABLE INSET                    |
| 17. <input checked="" type="checkbox"/> Abutting Property Owners                   | 45. <input checked="" type="checkbox"/> Property Area (Nearest 100 sq. ft.) |
| 18. <input checked="" type="checkbox"/> Existing Building Locations                | 46. <input checked="" type="checkbox"/> Building Coverage (sq. ft.)         |
| 19. <input checked="" type="checkbox"/> Existing Paved Areas                       | 47. <input checked="" type="checkbox"/> Building Coverage (% of Total Area) |
| 20. <input checked="" type="checkbox"/> Existing Vegetation                        | 48. <input checked="" type="checkbox"/> Pavement Coverage (Sq. Ft.)         |
| 21. <input checked="" type="checkbox"/> Existing Access & Egress                   | 49. <input checked="" type="checkbox"/> Pavement Coverage (% of Total Area) |
| <u>PROPOSED IMPROVEMENTS</u>   |   |
| 22. <input checked="" type="checkbox"/> Landscaping                                | 50. <input checked="" type="checkbox"/> Open Space (Sq. Ft.)                |
| 23. <input checked="" type="checkbox"/> Exterior Lighting                          | 51. <input checked="" type="checkbox"/> Open Space (% of Total Area)        |
| 24. <input checked="" type="checkbox"/> Screening                                  | 52. <input checked="" type="checkbox"/> No. of Parking Spaces Proposed.     |
| 25. <input checked="" type="checkbox"/> Access & Egress                            | 53. <input checked="" type="checkbox"/> No. of Parking Required.            |
| 26. <input checked="" type="checkbox"/> Parking Areas                              |   |
| 27. <input checked="" type="checkbox"/> Loading Areas                              |   |
| 28. <input checked="" type="checkbox"/> Paving Details (Items 25-27)               |   |

\* Preliminary Plan

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The Site Plan has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

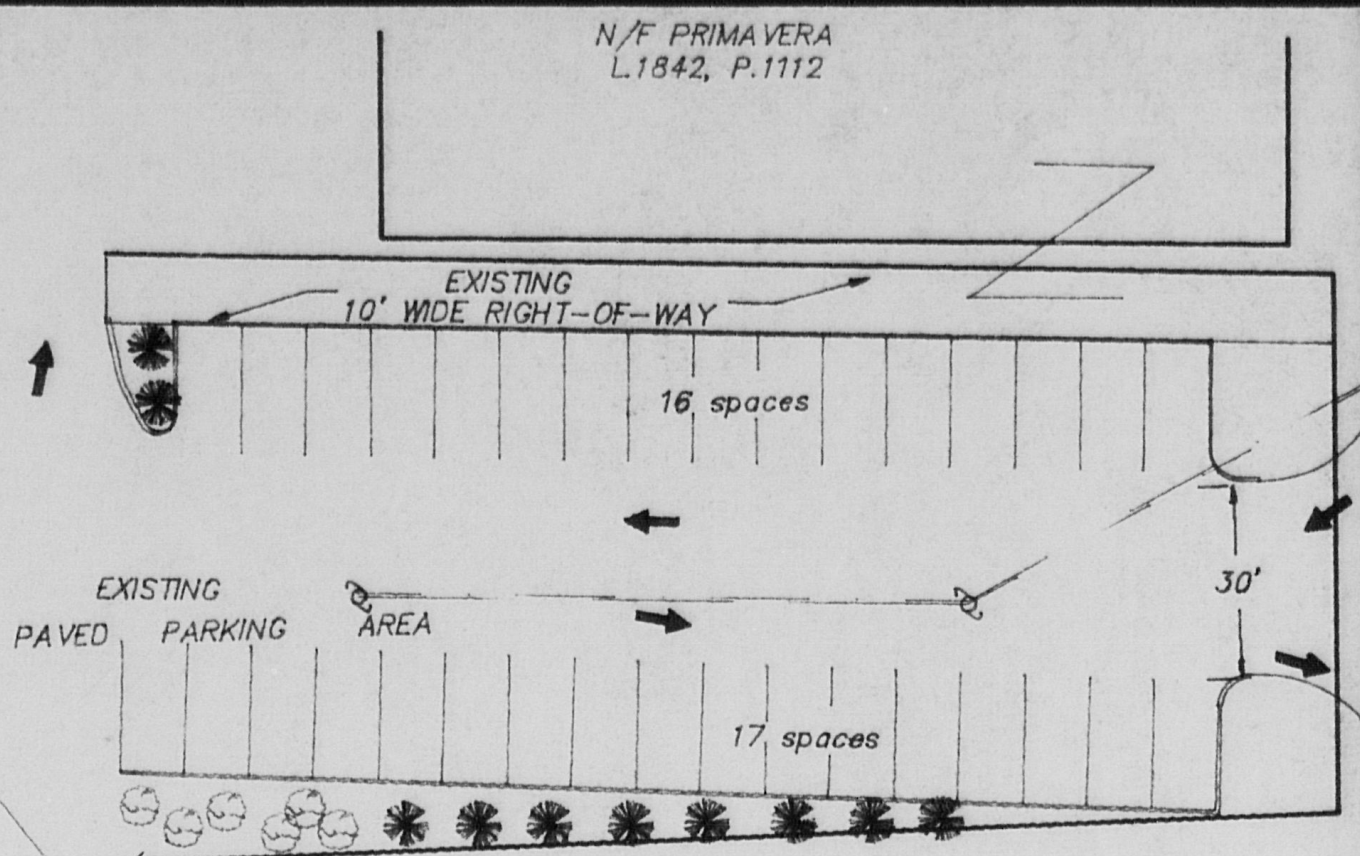
By:   
Licensed Professional

Rev. 3-87

Date: 23 Mar 1990



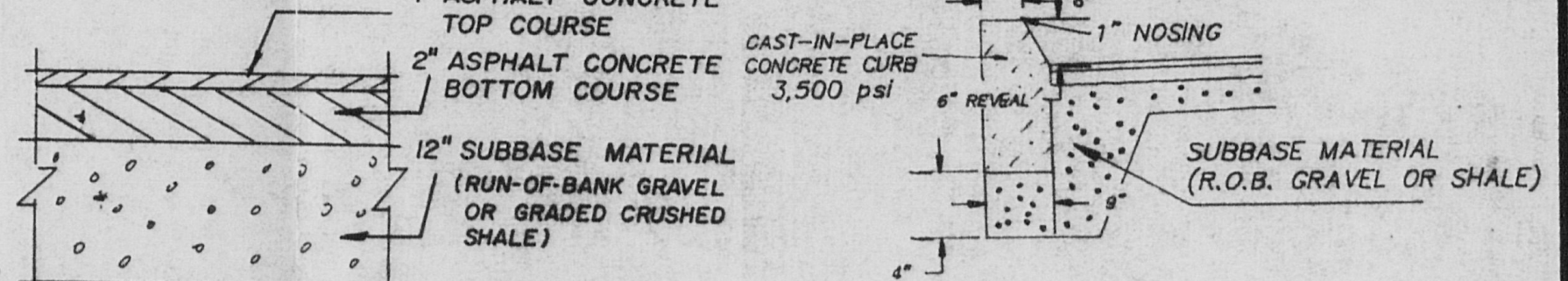
OLD TEMPLE HILL ROAD  
TWO LANE  
GEORGE



N.Y.S. RTE. 32



LOCATION PLAN 1"=2,000'



PAVEMENT SECTION SCALE: NONE

CONCRETE CURB DETAIL SCALE: NONE

ACCESS TO BE LIMITED TO RIGHT TURNS ONLY (IN AND OUT)

- NOTES:**
- Being a proposed development of lands shown on the Town of New Windsor Tax Maps as Section 69, Block 2, Lots 1, 2 & 12.
  - TOTAL PARCEL AREA: 3.05 +/- ACRES
  - PROPERTY ZONE: \*C\* (Design Shopping)
  - OWNER/APPLICANT: Louis Korngold, M.D. 354 North Middletown Rd. Nanuet, NY 10954
  - PROPOSED USE: Retail Stores
  - WATER SUPPLY & SANITARY DISPOSAL: Town of New Windsor
  - Boundaries, location of physical features and topographic information shown hereon is from a field survey performed by the undersigned on 7 February 1999.
  - Unauthorized addition or alteration to this plan is a violation of Section 7209 (2) of the N.Y.S. Education Law.
  - Prepared pursuant to Section 7209 (n) of the N.Y.S. Education Law.
  - Landscaping items shown are for graphic representation only; Plant materials shall be selected by a licensed Landscape Architect or qualified nurseryman.

**ZONE BULK REQUIREMENTS**  
\*C\* (Retail Uses)

Lot Area	Lot Width	Front Yard	Side Yard(s)	Rear Yard
Required: 40,000 S.F.	200'	60'	30'/70'	30'
Existing: 132,880 S.F.	460' +/-	3.5' +/-	2.9'/17.6'	2.5'
Proposed: 132,880 S.F.	460' +/-	60'	35'/70'	30'

Building Height	Floor/Area Ratio	Dev. Coverage
Required: (4' Ft. - lot line)	0.5	N/A
Existing: 14' +/-	0.21	N/A
Proposed: (ordinance)	0.23	N/A

**PARKING CALCULATIONS**  
REQUIRED: 1 sp/150 SF in Retail Use  
31,513 SF Gross; 21,919 SF net 70% = 147 spaces  
PROVIDED: 148 Spaces on Site.

\* ALL EXISTING BUILDINGS ON THIS LOT ARE TO BE REMOVED

132,880 +/- S.F. PLANNING BOARD APPROVAL  
3.05 +/- Ac.



Grevas  
Hildreth, P.C.  
33 BARBARA AVENUE, NEW HAVEN, NEW YORK 13602  
TEL: (518) 482-5897

REVISIONS	DATE	DESCRIPTION
1	7/8/90	REVISED LAYOUT
2	8/30/90	REVISED LAYOUT, ACCESS
3	10/10/90	ADDED LANDSCAPING TYPES
4	11/8/90	REVISED BLDGS, WALKS, PKG, ADDED SIGNS

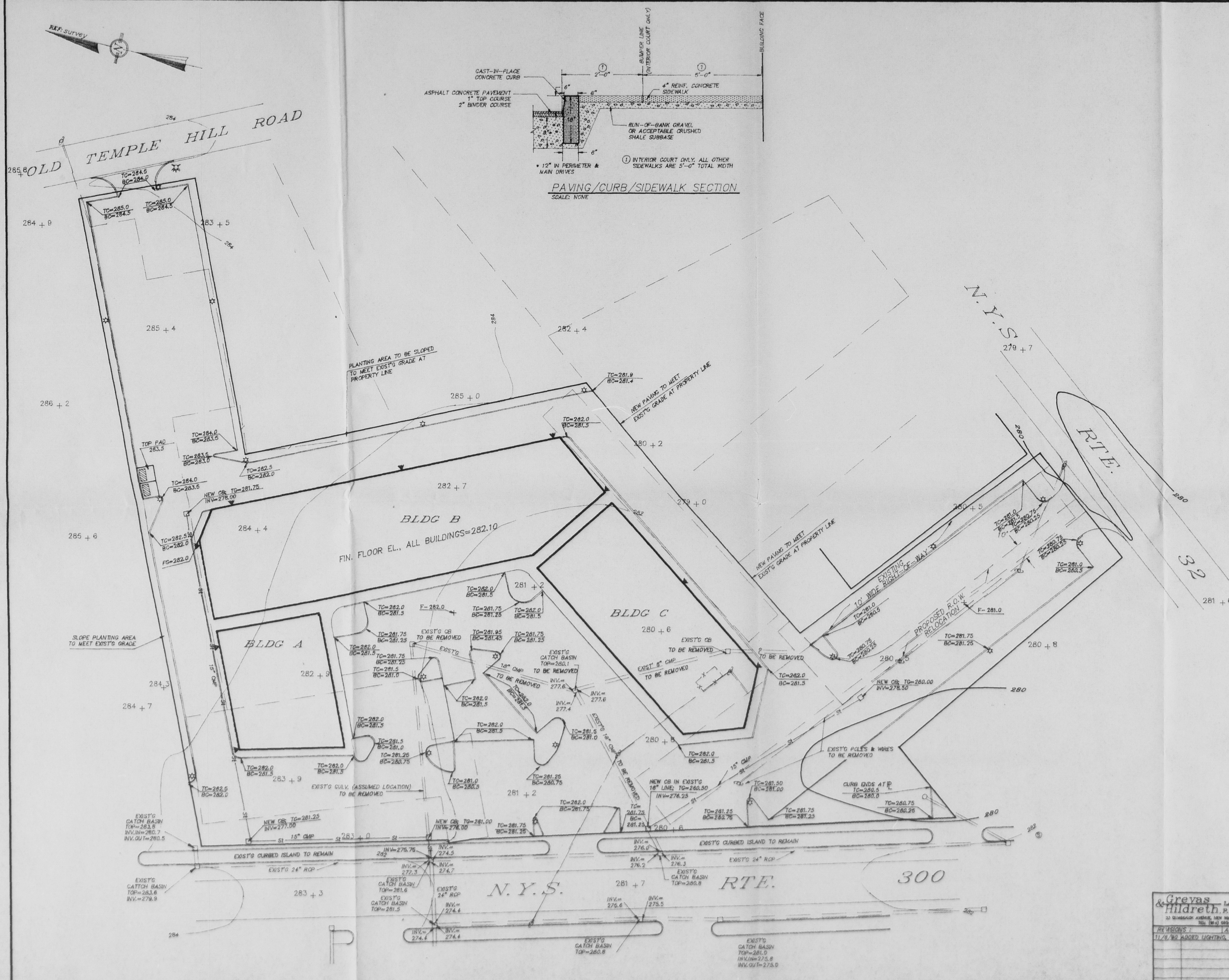
PLAN FOR:  
**LOUIS KORNGOLD**  
TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK  
Drawn:  
Checked:  
Scale: 1"=30'  
Date: 2/16/90  
Job No: 85-220

**SITE PLAN**

SHEET 1 OF 2

N/F VGR ASSOCIATES  
L1907, P.876  
(WALDBAUM'S PLAZA)





**DRAWING LEGEND**

281 + 6	EXISTING "SPOT" ELEVATION
280	EXISTING CONTOUR, 10' INTERVAL
282	EXISTING CONTOUR, 2' INTERVAL
18" CMP	EXISTING CULVERT, SIZE, MAT'L
F- 280	PROPOSED "SPOT" ELEVATION
TC=280.0	TOP CURB, ELEVATION
BC=280.0	BOTTOM CURB, ELEVATION
CB	CATCH BASIN
TO=280.0	TOP GRATE, ELEVATION
INV=280.0	PIPE INVERT, ELEVATION
15" CMP	PROPOSED STORM DRAIN, SIZE, MAT'L
*	LAMPPOST & LUMINAIRE
▲	BUILDING-MOUNTED LUMINAIRE

**NOTES**

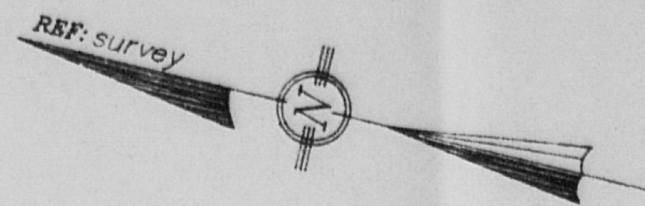
- Elevations shown hereon are from a field survey of 12 February 1990; Elevations datums N.Y.S.D.O.T.
- Items of construction and construction sequencing, are subject to an agreement between the developer and the Town of New Windsor. Said agreement shall be recorded in the Orange County Clerk's Office, together with the Approved Site Plan.
- Prepared pursuant to Section 7208(n) of the New York State Education Law.
- Unauthorized addition or alteration to this plan is a violation of Section 7209 (2) of the New York State Education Law.
- Lampost & Luminaires shall be "decashield" cutoff luminaires, as manufactured by General Electric (or acceptable equal) equipped with 440 w sodium vapor lamps and mounted on square steel posts providing a 24 foot mounting height.
- Building-mounted luminaires shall be provided with cutoff reflectors to prevent "spillage" of light to existing, adjoining properties, the number shown hereon is minimum. Based on 250 w sodium vapor lamps. Architectural considerations may, however, result in more units, with less wattage at each fixture, providing the equal amount of foot candles of illumination in the driveway areas.
- Connections to existing water and sewage facilities will be made on the basis of location and condition of existing connections, to be determined during construction.



<b>Grevas &amp; Hildreth, P.C.</b> 33 QUABACK AVENUE, NEW WINDSOR, NEW YORK 12550 TEL: (518) 532-8897		PLAN FOR: <b>LOUIS KORNGOLD</b>	
REVISIONS: 11/8/90 ADDED LIGHTING, GUL. REVISIONS		TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK	
Drawn:		SITE GRADING, LIGHTING & DRAINAGE PLAN	
Checked:		Job No: 85-220	
Scale: 1"=30'		SHEET: 2 OF 2	
Date: 10 Oct '90			

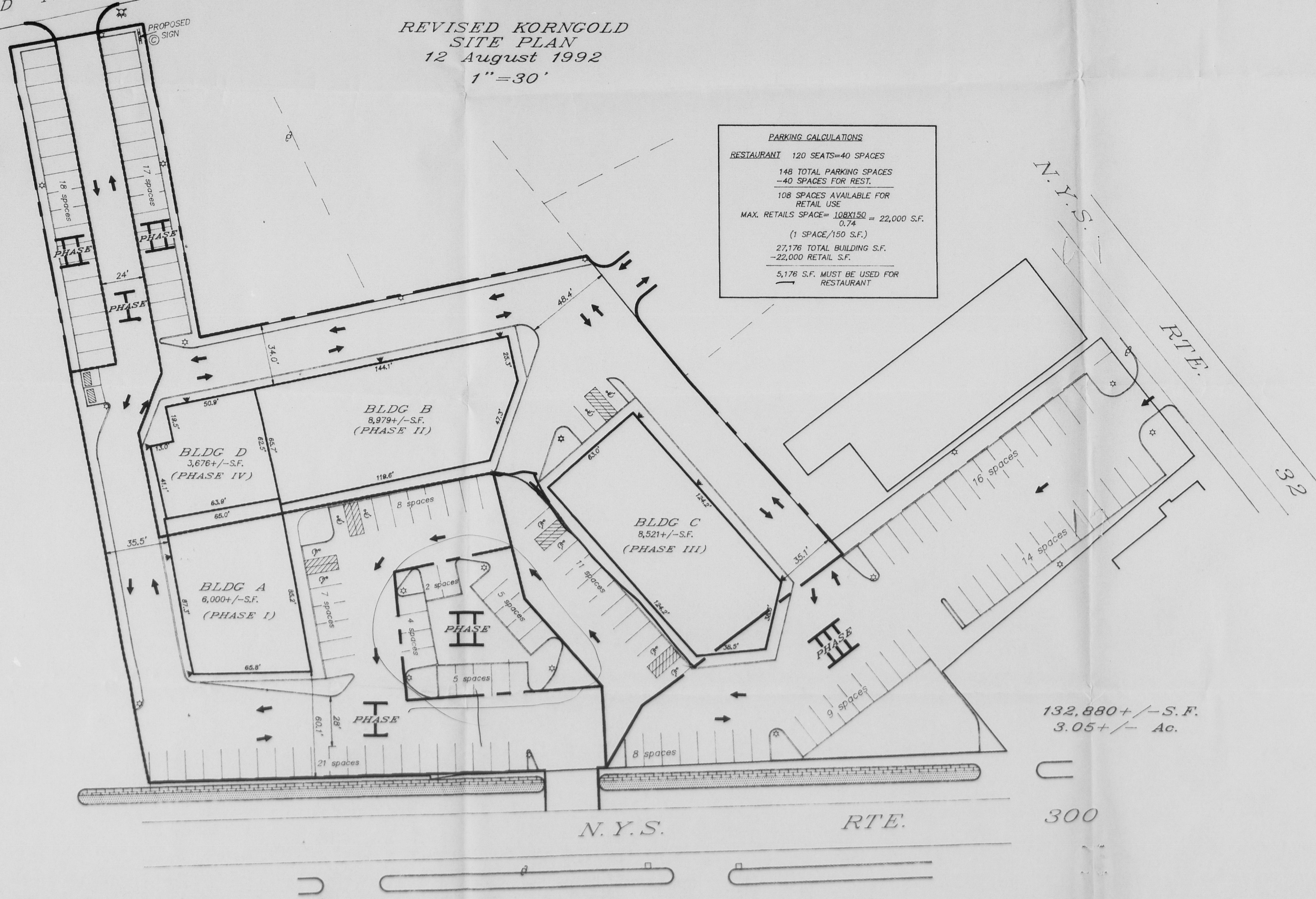


OLD TEMPLE HILL ROAD



REVISED KORNGOLD  
SITE PLAN  
12 August 1992  
1"=30'

PARKING CALCULATIONS	
RESTAURANT	120 SEATS=40 SPACES
148 TOTAL PARKING SPACES	
-40 SPACES FOR REST.	
108 SPACES AVAILABLE FOR RETAIL USE	
MAX. RETAIL SPACE= $\frac{108 \times 150}{0.74}$	= 22,000 S.F.
(1 SPACE/150 S.F.)	
27,176 TOTAL BUILDING S.F.	
-22,000 RETAIL S.F.	
5,176 S.F. MUST BE USED FOR RESTAURANT	



132,880+/- S.F.  
3.05+/- Ac.